

House Amendment 1612

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1 1 Amend House File 700 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 1 5 MH/MR/DD ALLOWED GROWTH
1 6 Section 1. Section 426B.5, subsection 2, paragraph
1 7 d, subparagraphs (1) and (6), Code 2003, are amended
1 8 to read as follows:
1 9 (1) A county must apply to the board for
1 10 assistance from the risk pool on or before ~~April 1~~
1 11 January 25 to cover an unanticipated net expenditure
1 12 amount in excess of the county's current fiscal year
1 13 budgeted net expenditure amount for the county's
1 14 services fund. The risk pool board shall make its
1 15 final decisions on or before February 25 regarding
1 16 acceptance or rejection of the applications for
1 17 assistance and the total amount accepted shall be
1 18 considered obligated. For purposes of applying for
1 19 risk pool assistance and for repaying unused risk pool
1 20 assistance, the current fiscal year budgeted net
1 21 expenditure amount shall be deemed to be the higher of
1 22 either the budgeted net expenditure amount in the
1 23 management plan approved under section 331.439 for the
1 24 fiscal year in which the application is made or the
1 25 prior fiscal year's net expenditure amount.
1 26 (6) The total amount of risk pool assistance shall
1 27 be limited to the amount available in the risk pool
1 28 for a fiscal year. If the total amount of eligible
1 29 assistance exceeds the amount available in the risk
1 30 pool the amount of assistance paid shall be prorated
1 31 among the counties eligible for assistance. Moneys
1 32 remaining unexpended or unobligated in the risk pool
1 33 ~~at the close of a fiscal year shall remain available~~
1 34 ~~for distribution in the succeeding fiscal year~~
1 35 following the risk pool board's decisions made
1 36 pursuant to subparagraph (1) shall be distributed to
1 37 the counties eligible to receive funding from the
1 38 allowed growth factor adjustment appropriation for the
1 39 fiscal year using the distribution methodology
1 40 applicable to that appropriation.
1 41 Sec. 2. COUNTY MENTAL HEALTH, MENTAL RETARDATION,
1 42 AND DEVELOPMENTAL DISABILITIES ALLOWED GROWTH FACTOR
1 43 ADJUSTMENT AND ALLOCATIONS == FISCAL YEAR 2004=2005.
1 44 1. There is appropriated from the general fund of
1 45 the state to the department of human services for the
1 46 fiscal year beginning July 1, 2004, and ending June
1 47 30, 2005, the following amount, or so much thereof as
1 48 is necessary, to be used for the purpose designated:
1 49 For distribution to counties of the county mental
1 50 health, mental retardation, and developmental
2 1 disabilities allowed growth factor adjustment, as
2 2 provided in this section in lieu of the provisions of
2 3 section 331.438, subsection 2, and section 331.439,
2 4 subsection 3, and chapter 426B:
2 5 \$ 23,738,749
2 6 2. The funding appropriated in this section is the
2 7 allowed growth factor adjustment for fiscal year 2004=
2 8 2005, and is allocated as follows:
2 9 a. For distribution as provided by law:
2 10 \$ 21,738,749
2 11 b. For deposit in the risk pool created in the
2 12 property tax relief fund and for distribution in
2 13 accordance with section 426B.5, subsection 2:
2 14 \$ 2,000,000
2 15 Sec. 3. 2002 Iowa Acts, chapter 1175, section 104,
2 16 subsections 2, 4 and 5, as amended by 2003 Iowa Acts,
2 17 House File 667, section 41, are amended to read as
2 18 follows:
2 19 2. The following formula amounts shall be utilized
2 20 only to calculate preliminary distribution amounts for
2 21 fiscal year 2003=2004 under this section by applying
2 22 the indicated formula provisions to the formula
2 23 amounts and producing a preliminary distribution total
2 24 for each county:
2 25 a. For calculation of an allowed growth factor

2 26 adjustment amount for each county in accordance with
 2 27 the formula in section 331.438, subsection 2,
 2 28 paragraph "b":
 2 29 \$ 12,000,000
 2 30 b. For calculation of a distribution amount for
 2 31 eligible counties from the per capita expenditure
 2 32 target pool created in the property tax relief fund in
 2 33 accordance with the requirements in section 426B.5,
 2 34 subsection 1:
 2 35 \$ ~~12,492,712~~
 2 36 14,492,000
 2 37 c. For calculation of a distribution amount for
 2 38 counties from the mental health and developmental
 2 39 disabilities (MH/DD) community services fund in
 2 40 accordance with the formula provided in the
 2 41 appropriation made for the MH/DD community services
 2 42 fund for the fiscal year beginning July 1, 2003:
 2 43 \$ 17,727,890
 2 44 4. After applying the applicable statutory
 2 45 distribution formulas to the amounts indicated in
 2 46 subsection 2 for purposes to produce preliminary
 2 47 distribution totals, the department of human services
 2 48 shall apply a withholding factor to adjust an eligible
 2 49 individual county's preliminary distribution total.
 2 50 An ending balance percentage for each county shall be
 3 1 determined by expressing the county's ending balance
 3 2 on a modified accrual basis under generally accepted
 3 3 accounting principles for the fiscal year beginning
 3 4 July 1, 2002, in the county's mental health, mental
 3 5 retardation, and developmental disabilities services
 3 6 fund created under section 331.424A, as a percentage
 3 7 of the county's gross expenditures from that fund for
 3 8 that fiscal year. The withholding factor for a county
 3 9 shall be the following applicable percent:
 3 10 a. For an ending balance percentage of less than
 3 11 10 percent, a withholding factor of 0 percent. In
 3 12 addition to the county's adjusted distribution total,
 3 13 a county that is subject to this paragraph "a" shall
 3 14 receive an inflation adjustment equal to 2.6 percent
 3 15 of the gross expenditures reported for the county's
 3 16 services fund for that fiscal year.
 3 17 b. For an ending balance percentage of 10 through
 3 18 24 percent, a withholding factor of 25 percent.
 3 19 c. For an ending balance percentage of 25 through
 3 20 34 percent, a withholding factor of 60 percent.
 3 21 ~~d. For an ending balance percentage of 35 through~~
 3 22 ~~44 percent, a withholding factor of 85 percent.~~
 3 23 ~~e. d.~~ For an ending balance percentage of ~~45~~
 3 24 percent or more, a withholding factor of 100 percent.
 3 25 5. The total withholding amounts applied pursuant
 3 26 to subsection 4 shall be equal to a withholding target
 3 27 amount of ~~\$7,419,074 and the appropriation enacted by~~
 3 28 ~~the Eightieth General Assembly, 2003 Session, for the~~
 3 29 ~~MH/DD community services fund shall be reduced by the~~
 3 30 ~~amount necessary to attain the withholding target~~
 3 31 ~~amount \$9,418,362.~~ If the department of human
 3 32 services determines that the amount to be withheld in
 3 33 accordance with subsection 4 is not equal to the
 3 34 target withholding amount, the department shall adjust
 3 35 the withholding factors listed in subsection 4 as
 3 36 necessary to achieve the withholding target amount.
 3 37 However, in making such adjustments to the withholding
 3 38 factors, the department shall strive to minimize
 3 39 changes to the withholding factors for those ending
 3 40 balance percentage ranges that are lower than others
 3 41 and shall not adjust the zero withholding factor or
 3 42 the inflation adjustment percentage specified in
 3 43 subsection 4, paragraph "a".
 3 44 DIVISION II
 3 45 STANDING APPROPRIATIONS == REDUCTIONS
 3 46 Sec. 4. GENERAL ASSEMBLY. The appropriations made
 3 47 pursuant to section 2.12 for the expenses of the
 3 48 general assembly and legislative agencies for the
 3 49 fiscal year beginning July 1, 2003, and ending June
 3 50 30, 2004, are reduced by the following amount:
 4 1 \$ 2,000,000
 4 2 Sec. 5. REBUILD IOWA INFRASTRUCTURE FUND.
 4 3 Notwithstanding section 8.56, subsection 4, there is
 4 4 appropriated from the cash reserve fund to the rebuild
 4 5 Iowa infrastructure fund created in section 8.57 for
 4 6 the fiscal year beginning July 1, 2002, and ending

4 7 June 30, 2003, the following amount:
4 8 \$ 2,150,000
4 9 Sec. 6. ENVIRONMENT FIRST FUND. Notwithstanding
4 10 the amount of the standing appropriation from the
4 11 rebuild Iowa infrastructure fund under section 8.57A,
4 12 subsection 4, there is appropriated from the rebuild
4 13 Iowa infrastructure fund to the environment first
4 14 fund, in lieu of the appropriation made in section
4 15 8.57A, for the fiscal year beginning July 1, 2002, and
4 16 ending June 30, 2003, the following amount:
4 17 \$ 18,445,000
4 18 Sec. 7. AT=RISK CHILDREN PROGRAMS.
4 19 Notwithstanding the standing appropriation in section
4 20 279.51, subsection 1, the amount appropriated from the
4 21 general fund of the state under section 279.51,
4 22 subsection 1, to the department of education for the
4 23 fiscal year beginning July 1, 2003, and ending June
4 24 30, 2004, is reduced by the following amount:
4 25 \$ 1,000,000
4 26 The amount of the reduction in this section shall
4 27 be prorated among the programs specified in section
4 28 279.51, subsection 1, paragraphs "a", "b", and "c".
4 29 Sec. 8. PUBLIC TRANSIT ASSISTANCE APPROPRIATION.
4 30 Notwithstanding section 312.2, subsection 14, the
4 31 amount appropriated from the general fund of the state
4 32 under section 312.2, subsection 14, to the state
4 33 department of transportation for public transit
4 34 assistance under chapter 324A for the fiscal year
4 35 beginning July 1, 2003, and ending June 30, 2004, is
4 36 reduced by the following amount:
4 37 \$ 1,298,675
4 38 Sec. 9. Section 294A.25, subsection 1, Code 2003,
4 39 is amended to read as follows:
4 40 1. For the fiscal year beginning July 1, ~~2000~~
4 41 2003, and for each succeeding year, there is
4 42 appropriated from the general fund of the state to the
4 43 department of education the amount of ~~eighty fifty=six~~
4 44 million eight hundred ninety=one thousand three
4 45 hundred thirty=six dollars to be used to improve
4 46 teacher salaries. The moneys shall be distributed as
4 47 provided in this section.
4 48 Sec. 10. EFFECTIVE DATE. The sections of this
4 49 division of this Act relating to the appropriations
4 50 made to the rebuild Iowa infrastructure fund and
5 1 environment first fund for the fiscal year beginning
5 2 July 1, 2002, being deemed of immediate importance,
5 3 take effect upon enactment.
5 4 DIVISION III
5 5 STANDING APPROPRIATIONS == LIMITATIONS
5 6 Sec. 11. Notwithstanding the standing
5 7 appropriations in the following designated sections
5 8 for the fiscal year beginning July 1, 2003, and ending
5 9 June 30, 2004, the amounts appropriated from the
5 10 general fund of the state pursuant to those sections
5 11 for the following designated purposes shall not exceed
5 12 the following amounts:
5 13 1. For compensation of officers and enlisted
5 14 persons and their expenses while on state active duty
5 15 as authorized in section 29A.27:
5 16 \$ 432,450
5 17 2. For payment for nonpublic school transportation
5 18 under section 285.2:
5 19 \$ 7,799,550
5 20 If total approved claims for reimbursement for
5 21 nonpublic school pupil transportation claims exceed
5 22 the amount appropriated in this section, the
5 23 department of education shall prorate the amount of
5 24 each claim.
5 25 3. For printing cigarette tax stamps under section
5 26 453A.7:
5 27 \$ 110,055
5 28 4. For the state's share of the cost of the peace
5 29 officers' retirement benefits under section 411.20:
5 30 \$ 2,816,189
5 31 5. For payment of livestock production credit
5 32 refunds under section 422.121:
5 33 \$ 1,815,735
5 34 6. For reimbursement for the homestead property
5 35 tax credit under section 425.1:
5 36 \$105,585,004
5 37 7. For reimbursement for the agricultural land and

5 38 family farm tax credits under section 426.1:
 5 39 \$ 35,497,624
 5 40 8. For reimbursement for the military service tax
 5 41 credit under section 426A.1A:
 5 42 \$ 2,569,712
 5 43 9. For administration expenses of the state
 5 44 unemployment compensation law under chapter 96:
 5 45 \$ 450,000
 5 46 10. For payment of certain interest costs due the
 5 47 federal government under the federal Cash Management
 5 48 and Improvement Act under section 421.31:
 5 49 \$ 550,000
 5 50 11. For funding the state's deferred compensation
 6 1 program established for state employees under section
 6 2 509A.12:
 6 3 \$ 56,501
 6 4 Sec. 12. ELDERLY AND DISABLED CREDIT.
 6 5 Notwithstanding the standing appropriation in section
 6 6 425.39, the amount appropriated from the general fund
 6 7 of the state under section 425.39, for the fiscal year
 6 8 beginning July 1, 2003, and ending June 30, 2004, for
 6 9 purposes of implementing the elderly and disabled
 6 10 credit and reimbursement portion of the extraordinary
 6 11 property tax and reimbursement division of chapter
 6 12 425, shall not exceed \$16,651,800. The director shall
 6 13 pay, in full, all claims to be paid during the fiscal
 6 14 year beginning July 1, 2003, for reimbursement of rent
 6 15 constituting property taxes paid. If the amount of
 6 16 claims for credit for property taxes due to be paid
 6 17 during the fiscal year beginning July 1, 2003, exceeds
 6 18 the amount remaining after payment to renters, the
 6 19 director of revenue and finance shall prorate the
 6 20 payments to the counties for the property tax credit.
 6 21 In order for the director to carry out the
 6 22 requirements of this section, notwithstanding any
 6 23 provision to the contrary in sections 425.16 through
 6 24 425.39, claims for reimbursement for rent constituting
 6 25 property taxes paid filed before May 1, 2004, shall be
 6 26 eligible to be paid in full during the fiscal year
 6 27 ending June 30, 2004, and those claims filed on or
 6 28 after May 1, 2004, shall be eligible to be paid during
 6 29 the fiscal year beginning July 1, 2004, and the
 6 30 director is not required to make payments to counties
 6 31 for the property tax credit before June 15, 2004.
 6 32 Sec. 13. REDUCTION IN CREDITS NOT APPLICABLE. The
 6 33 provision in section 25B.7 relating to the proration
 6 34 of the property tax credits does not apply with
 6 35 respect to the amount of state reimbursement for
 6 36 property tax credits under this division.
 6 37 DIVISION IV
 6 38 REVENUE ADJUSTMENTS == APPROPRIATIONS
 6 39 Sec. 14. IOWA ECONOMIC EMERGENCY AND RESERVE FUNDS
 6 40 == EARNINGS. Notwithstanding section 8.55, subsection
 6 41 4, and section 8.56, subsection 1, for the fiscal year
 6 42 beginning July 1, 2003, and ending June 30, 2004, the
 6 43 interest and earnings on moneys deposited in the Iowa
 6 44 economic emergency fund and the cash reserve fund
 6 45 shall be credited to the general fund of the state.
 6 46 Sec. 15. USE OF REVERSIONS. Notwithstanding
 6 47 section 8.62, if on June 30, 2004, a balance of an
 6 48 operational appropriation, as defined in section 8.62,
 6 49 except for the balances of charter agencies, as
 6 50 defined in section 7J.1, if enacted by 2003 Iowa Acts,
 7 1 Senate File 453, remains unexpended or unencumbered,
 7 2 the balance shall revert to the general fund of the
 7 3 state as provided in section 8.33.
 7 4 Sec. 16. KEEP IOWA BEAUTIFUL FUND. For the fiscal
 7 5 years beginning July 1, 2002, and July 1, 2003, moneys
 7 6 credited to the keep Iowa beautiful fund in accordance
 7 7 with section 422.12A are appropriated to the state
 7 8 department of transportation to be used for the
 7 9 purposes provided in section 314.28.
 7 10 Sec. 17. ENDOWMENT FOR IOWA'S HEALTH. For the
 7 11 fiscal year beginning July 1, 2003, and ending June
 7 12 30, 2004, of the \$70,000,000 to be deposited in the
 7 13 endowment for Iowa's health account of the tobacco
 7 14 settlement trust fund under 2001 Iowa Acts, chapter
 7 15 174, section 1, subsection 1, the following amount
 7 16 shall instead be deposited in the general fund of the
 7 17 state:
 7 18 \$ 20,000,000

7 19 Sec. 18. JUNIOR OLYMPICS. There is appropriated
 7 20 from the general fund of the state to the department
 7 21 of economic development for the fiscal year beginning
 7 22 July 1, 2003, and ending June 30, 2004, the following
 7 23 amount, or so much thereof as is necessary, to be used
 7 24 for the purpose designated:
 7 25 For providing assistance to a city or nonprofit
 7 26 organization hosting the national junior olympics:
 7 27 \$ 50,000
 7 28 Sec. 19. REBUILD IOWA INFRASTRUCTURE FUND.
 7 29 Notwithstanding section 8.57, subsection 5, there is
 7 30 appropriated from the rebuild Iowa infrastructure fund
 7 31 created in section 8.57, subsection 5, to the general
 7 32 fund of the state during the fiscal year beginning
 7 33 July 1, 2003, and ending June 30, 2004, the following
 7 34 amount:
 7 35 \$ 10,000,000
 7 36 Sec. 20. IOWA LAW ENFORCEMENT ACADEMY. 2003 Iowa
 7 37 Acts, Senate File 439, section 10, subsection 1,
 7 38 unnumbered paragraph 2, if enacted, is amended to read
 7 39 as follows:
 7 40 For salaries, support, maintenance, miscellaneous
 7 41 purposes, including jailer training and technical
 7 42 assistance, and for not more than the following full=
 7 43 time equivalent positions:
 7 44 \$ ~~1,002,629~~
 7 45 1,047,629
 7 46 FTEs 30.05
 7 47 Sec. 21. MILITARY PAY DIFFERENTIAL. There is
 7 48 appropriated from the cash reserve fund to the
 7 49 department of revenue and finance or its successor
 7 50 agency for the period beginning March 19, 2003, and
 8 1 ending June 30, 2003, the following amount, or so much
 8 2 thereof as is necessary, for the purposes designated:
 8 3 For a military pay differential program and health
 8 4 insurance retention program for individuals activated
 8 5 for the armed services of the United States, for
 8 6 employees on the central payroll system:
 8 7 \$ 1,810,000
 8 8 Of the funds appropriated in this section, up to
 8 9 \$10,000 is transferred to the Iowa department of
 8 10 public health for allocation to community mental
 8 11 health centers to provide counseling services to
 8 12 persons who are members of the national guard and
 8 13 reservists activated but as yet not sent to combat
 8 14 zones and to the persons' family members. The
 8 15 sessions shall be provided on a first come, first
 8 16 served basis and shall be limited to three visits per
 8 17 family.
 8 18 The department or agency receiving funds under this
 8 19 section shall report monthly to the fiscal committee
 8 20 of the legislative council on the use of the funds.
 8 21 Notwithstanding section 8.33, unencumbered or
 8 22 unobligated funds remaining on June 30, 2003, from the
 8 23 appropriation made in this section shall not revert
 8 24 but shall remain available to be used for the purposes
 8 25 designated in the following fiscal year.
 8 26 Sec. 22. ASSISTED LIVING PROGRAMS.
 8 27 Notwithstanding section 231C.6, any fees remaining on
 8 28 June 30, 2003, in the assisted living program fund
 8 29 created pursuant to section 231C.6 are appropriated to
 8 30 the department of inspections and appeals for the
 8 31 fiscal year beginning July 1, 2003, and ending June
 8 32 30, 2004, to carry out the purposes of chapter 231C.
 8 33 Sec. 23. COUNTY HOSPITALS. There is appropriated
 8 34 from the general fund of the state to the department
 8 35 of human services for the fiscal year beginning July
 8 36 1, 2003, and ending June 30, 2004, the following
 8 37 amount, or so much thereof as is necessary, for the
 8 38 purpose designated:
 8 39 For support of operational expenses of county
 8 40 hospitals in counties having a population of two
 8 41 hundred twenty-five thousand or more:
 8 42 \$ 312,000
 8 43 Sec. 24. WORKFORCE DEVELOPMENT. There is
 8 44 appropriated from the general fund of the state to the
 8 45 Iowa department of workforce development for the
 8 46 fiscal year beginning July 1, 2003, and ending June
 8 47 30, 2004, the following amount, or so much thereof as
 8 48 is necessary, for the purpose designated:
 8 49 For salaries and support and for the following

8 50 full=time equivalent positions.
 9 1 \$ 250,000
 9 2 FTEs 5.00
 9 3 The appropriation in this section shall be used for
 9 4 four OSHA inspectors and one workers' compensation
 9 5 compliance officer. The appropriation in this section
 9 6 is contingent upon the enactment of 2003 Iowa Acts,
 9 7 Senate File 344, by the Eightieth General Assembly,
 9 8 2003 Regular Session.
 9 9 Sec. 25. UNEMPLOYMENT TRUST FUND. There is
 9 10 appropriated from moneys transferred to the state on
 9 11 March 13, 2002, pursuant to section 903(d) of the
 9 12 federal Social Security Act, as amended, to the
 9 13 department of workforce development, the following
 9 14 amount, to be deposited, under the direction of the
 9 15 department of workforce development, in the
 9 16 unemployment compensation fund for the payment of
 9 17 unemployment benefits and for the establishment of the
 9 18 unemployment compensation reserve fund:
 9 19 \$ 40,000,000
 9 20 Sec. 26. UNEMPLOYMENT TAX AND CLAIM SYSTEM. There
 9 21 is appropriated from moneys transferred to the state
 9 22 on March 13, 2002, pursuant to section 903(d) of the
 9 23 federal Social Security Act, as amended, to the
 9 24 department of workforce development, the following
 9 25 amount for purposes of automation and technology for
 9 26 the unemployment tax and claim system:
 9 27 \$ 20,000,000
 9 28 Sec. 27. ENHANCED SERVICES TO CLAIMANTS. There is
 9 29 appropriated from moneys transferred to the state on
 9 30 March 13, 2002, pursuant to section 903(d) of the
 9 31 federal Social Security Act, as amended, to the
 9 32 department of workforce development the following
 9 33 amount for purposes of infrastructure improvements and
 9 34 the administrative and technology costs associated
 9 35 with enhanced services to unemployment benefit
 9 36 claimants for workforce and labor exchange services:
 9 37 \$ 20,700,000
 9 38 Sec. 28. FEDERAL FISCAL RELIEF FUNDING. If the
 9 39 one hundred eighth United States Congress enacts an
 9 40 economic stimulus package that includes the provision
 9 41 of discretionary funding to the state to provide state
 9 42 or local government fiscal relief, the funding shall
 9 43 be deposited in the fund created by section 8.41.
 9 44 Sec. 29. Section 8.55, subsection 2, paragraph c,
 9 45 Code 2003, is amended to read as follows:
 9 46 c. Notwithstanding paragraph "a", any moneys in
 9 47 excess of the maximum balance in the economic
 9 48 emergency fund after the distribution of the surplus
 9 49 in the general fund of the state at the conclusion of
 9 50 each fiscal year and after the appropriate amount has
 10 1 been transferred pursuant to paragraph "b", shall not
 10 2 be transferred to the general fund of the state but
 10 3 shall be transferred to the senior living trust fund.
 10 4 The total amount transferred, in the aggregate, under
 10 5 this paragraph for all fiscal years shall not exceed
 10 6 ~~fifty-one one hundred eighteen million five hundred~~
 10 7 ~~thousand~~ dollars.
 10 8 Sec. 30. Section 8.55, subsection 2, paragraph d,
 10 9 Code 2003, is amended to read as follows:
 10 10 d. Notwithstanding paragraph "a", any moneys in
 10 11 excess of the maximum balance in the economic
 10 12 emergency fund after the distribution of the surplus
 10 13 in the general fund of the state at the conclusion of
 10 14 each fiscal year and after the appropriate amounts
 10 15 have been transferred pursuant to paragraphs "b" and
 10 16 "c" shall not be transferred to the general fund of
 10 17 the state but shall be transferred to the endowment
 10 18 for Iowa's health account of the tobacco settlement
 10 19 trust fund. The total amount transferred, in the
 10 20 aggregate, under this paragraph for all fiscal years
 10 21 shall not exceed the difference between ~~sixty one~~
 10 22 ~~hundred one~~ million ~~five seven~~ hundred ~~fifty-one~~ 10 23 thousand dollars and the amounts
 transferred to the
 10 24 endowment for Iowa's health account to repay the
 10 25 amounts transferred or appropriated from the endowment
 10 26 for Iowa's health account in 2002 Iowa Acts, chapter
 10 27 1165, 2002 Iowa Acts, chapter 1166, 2002 Iowa Acts,
 10 28 chapter 1167, ~~and~~ 2002 Iowa Acts, Second Extraordinary
 10 29 Session, chapter 1003, ~~and~~ 2003 Iowa Acts, House File
 10 30 685.

10 31 Sec. 31. Section 8.57, subsection 1, paragraph a,
10 32 unnumbered paragraph 1, Code Supplement 2001, as
10 33 enacted by 2002 Iowa Acts, Second Extraordinary
10 34 Session, chapter 1001, section 28, is amended to read
10 35 as follows:
10 36 The "cash reserve goal percentage" for fiscal years
10 37 beginning on or after July 1, ~~2003~~ 2004, is seven and
10 38 one-half percent of the adjusted revenue estimate.
10 39 For each fiscal year ~~beginning on or after July 1,~~
~~10 40 2003,~~ in which the appropriation of the surplus
10 41 existing in the general fund of the state at the
10 42 conclusion of the prior fiscal year pursuant to
10 43 paragraph "b" was not sufficient for the cash reserve
10 44 fund to reach the cash reserve goal percentage for the
10 45 current fiscal year, there is appropriated from the
10 46 general fund of the state an amount to be determined
10 47 as follows:
10 48 Sec. 32. Section 96.9, Code 2003, is amended by
10 49 adding the following new subsection:
10 50 NEW SUBSECTION. 8. UNEMPLOYMENT COMPENSATION
11 1 RESERVE FUND.
11 2 a. A special fund to be known as the unemployment
11 3 compensation reserve fund is created in the state
11 4 treasury. The reserve fund is separate and distinct
11 5 from the unemployment compensation fund. All moneys
11 6 collected as reserve contributions, as defined in
11 7 paragraph "b", shall be deposited in the reserve fund.
11 8 The moneys in the reserve fund may be used for the
11 9 payment of unemployment benefits and shall remain
11 10 available for expenditure in accordance with the
11 11 provisions of this subsection. The treasurer of state
11 12 shall be the custodian of the reserve fund and shall
11 13 disburse the moneys in the reserve fund in accordance
11 14 with this subsection and the directions of the
11 15 director of the department of workforce development.
11 16 b. If the balance in the reserve fund on July 1 of
11 17 the preceding calendar year for calendar year 2004 and
11 18 each year thereafter is less than one hundred fifty
11 19 million dollars, a percentage of contributions, as
11 20 determined by the director, shall be deemed to be
11 21 reserve contributions for the following calendar year.
11 22 If the percentage of contributions, termed the reserve
11 23 contribution tax rate, is not zero percent as
11 24 determined pursuant to this subsection, the combined
11 25 tax rate of contributions to the unemployment
11 26 compensation fund and to the unemployment compensation
11 27 reserve fund shall be divided so that a minimum of
11 28 fifty percent of the combined tax rate equals the
11 29 unemployment contribution tax rate and a maximum of
11 30 fifty percent of the combined tax rate equals the
11 31 reserve contribution tax rate except for employers who
11 32 are assigned a combined tax rate of five and four=
11 33 tenths. For those employers, the reserve contribution
11 34 tax rate shall equal zero and their combined tax rate
11 35 shall equal their unemployment contribution rate.
11 36 When the reserve contribution tax rate is determined
11 37 to be zero percent, the unemployment contribution rate
11 38 for all employers shall equal one hundred percent of
11 39 the combined tax rate. The reserve contributions
11 40 collected in any calendar year shall not exceed fifty
11 41 million dollars. The provisions for collection of
11 42 contributions under section 96.14 are applicable to
11 43 the collection of reserve contributions. Reserve
11 44 contributions shall not be deducted in whole or in
11 45 part by any employer from the wages of individuals in
11 46 its employ. All moneys collected as reserve
11 47 contributions shall not become part of the
11 48 unemployment compensation fund but shall be deposited
11 49 in the reserve fund created in this subsection.
11 50 c. Moneys in the reserve fund shall only be used
12 1 to pay unemployment benefits to the extent moneys in
12 2 the unemployment compensation fund are insufficient to
12 3 pay benefits during a calendar quarter.
12 4 d. The interest earned on the moneys in the
12 5 reserve fund shall be deposited in and credited to the
12 6 reserve fund.
12 7 e. Moneys from interest earned on the unemployment
12 8 compensation reserve fund shall be used by the
12 9 department only upon appropriation by the general
12 10 assembly and only for purposes contained in section
12 11 96.7, subsection 12, for department of workforce

12 12 development rural satellite offices, and for
12 13 administrative costs to collect the reserve
12 14 contributions.

12 15 Sec. 33. Section 256D.4, subsection 2, unnumbered
12 16 paragraph 1, Code 2003, is amended to read as follows:
12 17 ~~For each fiscal year in the fiscal period beginning~~
12 18 ~~July 1, 2001, and ending June 30, 2003, moneys~~ Moneys
12 19 appropriated pursuant to section 256D.5, subsection 3,
12 20 shall be allocated to school districts as follows:
12 21 Sec. 34. Section 256D.5, subsection 3, Code 2003,
12 22 is amended to read as follows:
12 23 3. For each fiscal year of the fiscal period
12 24 beginning July 1, 2001, and ending June 30, ~~2003~~ 2004,
12 25 the sum of thirty million dollars.

12 26 Sec. 35. Section 260G.4B, subsection 1, Code 2003,
12 27 is amended to read as follows:
12 28 1. The total amount of program job credits from
12 29 all employers which shall be allocated for all
12 30 accelerated career education programs in the state in
12 31 any one fiscal year shall not exceed the sum of three
12 32 million dollars in the fiscal year beginning July 1,
12 33 2000, three million dollars in the fiscal year
12 34 beginning July 1, 2001, three million dollars in the
12 35 fiscal year beginning July 1, 2002, four million
12 36 dollars in the fiscal year beginning July 1, 2003, and
12 37 six million dollars in the fiscal year beginning July
12 38 1, ~~2003~~ 2004, and every fiscal year thereafter. Any
12 39 increase in program job credits above the six-million=
12 40 dollar limitation per fiscal year shall be developed,
12 41 based on recommendations in a study which shall be
12 42 conducted by the department of economic development of
12 43 the needs and performance of approved programs in the
12 44 fiscal years beginning July 1, 2000, and July 1, 2001.
12 45 The study's findings and recommendations shall be
12 46 submitted to the general assembly by the department by
12 47 December 31, 2002. The study shall include but not be
12 48 limited to an examination of the quality of the
12 49 programs, the number of program participant
12 50 placements, the wages and benefits in program jobs,
13 1 the level of employer contributions, the size of
13 2 participating employers, and employer locations. A
13 3 community college shall file a copy of each agreement
13 4 with the department of economic development. The
13 5 department shall maintain an annual record of the
13 6 proposed program job credits under each agreement for
13 7 each fiscal year. Upon receiving a copy of an
13 8 agreement, the department shall allocate any available
13 9 amount of program job credits to the community college
13 10 according to the agreement sufficient for the fiscal
13 11 year and for the term of the agreement. When the
13 12 total available program job credits are allocated for
13 13 a fiscal year, the department shall notify all
13 14 community colleges that the maximum amount has been
13 15 allocated and that further program job credits will
13 16 not be available for the remainder of the fiscal year.
13 17 Once program job credits have been allocated to a
13 18 community college, the full allocation shall be
13 19 received by the community college throughout the
13 20 fiscal year and for the term of the agreement even if
13 21 the statewide program job credit maximum amount is
13 22 subsequently allocated and used.

13 23 Sec. 36. Section 294A.25, subsection 10, Code
13 24 2003, is amended to read as follows:
13 25 10. ~~For the each fiscal year beginning July 1,~~
13 26 ~~2001, and ending June 30, 2002,~~ to the department of
13 27 education ~~from phase III moneys~~ the amount of forty=
13 28 seven thousand dollars for the Iowa mathematics and
13 29 science coalition.

13 30 Sec. 37. Section 427B.19A, subsection 1, as
13 31 amended by 2003 Iowa Acts, Senate File 453, if
13 32 enacted, is amended to read as follows:
13 33 1. The industrial machinery, equipment and
13 34 computers property tax replacement fund is created.
13 35 For the fiscal year beginning July 1, 1996, through
13 36 the fiscal year ending June 30, 2004, there is
13 37 appropriated annually from the general fund of the
13 38 state to the department of revenue and finance to be
13 39 credited to the industrial machinery, equipment and
13 40 computers property tax replacement fund, an amount
13 41 sufficient to implement this division. However, for
13 42 the fiscal year beginning July 1, 2003, the amount

13 43 appropriated to the department of revenue and finance
13 44 to be credited to the industrial machinery, equipment
13 45 and computers tax replacement fund is ~~ten eleven~~
13 46 million two hundred eighty-one thousand six hundred
13 47 eight=five dollars.

13 48 Sec. 38. 2001 Iowa Acts, chapter 174, section 1,
13 49 subsection 2, as amended by 2002 Iowa Acts, chapter
13 50 1174, section 8, is amended to read as follows:

14 1 2. There is appropriated from the general fund of
14 2 the state to the endowment for Iowa's health account
14 3 of the tobacco settlement trust fund created in
14 4 section 12E.12, for the designated fiscal years, the
14 5 following amounts, to be used for the purposes
14 6 specified in section 12E.12 for the endowment for
14 7 Iowa's health account:

14 8	FY 2001=2002	\$ 7,248,000
14 9	FY 2003=2004	\$ 28,251,000
14 10		0
14 11	FY 2004=2005	\$ 29,785,000
14 12	FY 2005=2006	\$ 29,562,000
14 13	FY 2006=2007	\$ 17,773,000

14 14 Sec. 39. 2002 Iowa Acts, chapter 1173, section 18,
14 15 is amended to read as follows:

14 16 SEC. 18. POOLED TECHNOLOGY FUNDING == PRIOR
14 17 ALLOCATIONS == NONREVERSION. Notwithstanding section
14 18 8.33, moneys appropriated and allocated in 2001 Iowa
14 19 Acts, chapter 189, section 5, subsection 1, which
14 20 remain unobligated or unexpended at the close of the
14 21 fiscal year for which they were appropriated shall not
14 22 revert, but shall remain available for expenditure for
14 23 the purposes for which they were appropriated and
14 24 allocated, for the fiscal ~~year~~ period beginning July
14 25 1, 2002, and ending June 30, ~~2003~~ 2004.

14 26 Sec. 40. 2002 Iowa Acts, Second Extraordinary
14 27 Session, chapter 1001, section 33, is amended to read
14 28 as follows:

14 29 SEC. 33. EFFECTIVE DATE == APPLICABILITY. The
14 30 amendments to the following designated Code provisions
14 31 in this division of this Act take effect July 1, ~~2003~~
14 32 2004:

14 33 1. Section 8.55, subsection 2, paragraph "a".

14 34 2. Section 8.56, subsection 4, paragraph "b".

14 35 3. Section 8.57, subsection 1, paragraph "a".

14 36 Sec. 41. FRANCHISE TAX REVENUE ALLOCATION. There
14 37 is appropriated from the franchise tax revenues
14 38 deposited in the general fund of the state to the
14 39 department of revenue and finance for the fiscal year
14 40 beginning July 1, 2003, and ending June 30, 2004,
14 41 \$8,800,000 to be allocated as follows:

14 42 1. Sixty percent to the general fund of the city
14 43 from which the tax is collected.

14 44 2. Forty percent to the county from which the tax
14 45 is collected.

14 46 If the financial institution maintains one or more
14 47 offices for the transaction of business, other than
14 48 its principal office, a portion of its franchise tax
14 49 shall be allocated to each office, based upon a
14 50 reasonable measure of the business activity of each
15 1 office. The director of revenue and finance shall
15 2 prescribe, for each type of financial institution, a
15 3 method of measuring the business activity of each
15 4 office. Financial institutions shall furnish all
15 5 necessary information for this purpose at the request
15 6 of the director. The allocation shall be distributed
15 7 quarterly.

15 8 Sec. 42. 2003 Iowa Acts, Senate File 453, section
15 9 28, if enacted, is repealed.

15 10 RACING AND GAMING COMMISSION

15 11 Sec. 43. 2002 Iowa Acts, Second Extraordinary
15 12 Session, chapter 1003, section 9, subsection 1, is
15 13 amended to read as follows:

15 14 1. RACETRACK REGULATION

15 15 There is appropriated from the general fund of the
15 16 state to the racing and gaming commission of the
15 17 department of inspections and appeals for the fiscal
15 18 year beginning July 1, 2002, and ending June 30, 2003,
15 19 the following amount, or so much thereof as is
15 20 necessary, to be used for the purposes designated:

15 21 For salaries, support, maintenance, and
15 22 miscellaneous purposes for the regulation of pari=
15 23 mutuel racetracks, and for not more than the following

15 24 full=time equivalent positions:
 15 25 \$ 2,083,762
 15 26 2,163,762
 15 27 FTEs 24.78
 15 28 Of the funds appropriated in this subsection,
 15 29 \$85,576 shall be used to conduct an extended harness
 15 30 racing season.
 15 31 Sec. 44. 2003 Iowa Acts, House File 655, section
 15 32 24, if enacted, is amended to read as follows:
 15 33 SEC. 24. READY TO WORK PROGRAM COORDINATOR. There
 15 34 is appropriated from the surplus funds in the long-
~~15 35 term disability reserve fund and the workers'~~
 15 36 compensation trust fund to the department of personnel
 15 37 for the fiscal year beginning July 1, 2003, and ending
 15 38 June 30, 2004, the following amount, or so much
 15 39 thereof as is necessary, to be used for the purposes
 15 40 designated:
 15 41 For the salary, support, and miscellaneous expenses
 15 42 for the ready to work program and coordinator:
 15 43 \$ 89,416
 15 44 ~~The moneys appropriated pursuant to this section~~
~~15 45 shall be taken in equal proportions from the long-term~~
~~15 46 disability reserve fund and the workers' compensation~~
~~15 47 trust fund.~~
 15 48 Sec. 45. 2003 Iowa Acts, House File 655, section
 15 49 34, if enacted, is amended to read as follows:
 15 50 SEC. 34. READY TO WORK PROGRAM COORDINATOR. There
 16 1 is appropriated from the surplus funds in the long-
~~16 2 term disability reserve fund and the workers'~~
 16 3 compensation trust fund to the department of
 16 4 administrative services for the fiscal year beginning
 16 5 July 1, 2003, and ending June 30, 2004, the following
 16 6 amount, or so much thereof as is necessary, to be used
 16 7 for the purposes designated:
 16 8 For the salary, support, and miscellaneous expenses
 16 9 for the ready to work program and coordinator:
 16 10 \$ 89,416
 16 11 ~~The moneys appropriated pursuant to this section~~
~~16 12 shall be taken in equal proportions from the long-term~~
~~16 13 disability reserve fund and the workers' compensation~~
~~16 14 trust fund.~~
 16 15 Sec. 46. CONTINGENT CASH RESERVE APPROPRIATION.
 16 16 1. There is appropriated from the cash reserve
 16 17 fund to the general fund of the state for the fiscal
 16 18 year beginning July 1, 2002, and ending June 30, 2003,
 16 19 for the purposes of reducing or preventing any
 16 20 overdraft on or deficit in the general fund of the
 16 21 state, an amount not to exceed \$50,000,000.
 16 22 2. The appropriation made in subsection 1 is
 16 23 contingent upon all of the following having occurred:
 16 24 a. The revenue estimating conference estimate of
 16 25 general fund receipts made during the last quarter of
 16 26 the fiscal year was or the actual fiscal year receipts
 16 27 and accruals were at least one-half of one percent
 16 28 less than the comparable estimate made during the
 16 29 third quarter of the fiscal year.
 16 30 b. The governor has implemented the uniform
 16 31 reductions in appropriations required in section 8.31
 16 32 as a result of paragraph "a" and such reduction was
 16 33 insufficient to prevent an overdraft on or deficit in
 16 34 the general fund of the state or the governor did not
 16 35 implement uniform reductions in appropriations because
 16 36 of the lateness of the estimated or actual receipts
 16 37 and accruals under paragraph "a".
 16 38 c. The balance of the general fund of the state at
 16 39 the end of the fiscal year prior to the appropriation
 16 40 made in subsection 1 was negative.
 16 41 d. The governor has issued an official
 16 42 proclamation and has notified the cochairpersons of
 16 43 the fiscal committee of the legislative council and
 16 44 the legislative services agency that the contingencies
 16 45 in paragraphs "a" through "c" have occurred and the
 16 46 reasons why the uniform reductions specified in
 16 47 paragraph "b" were insufficient or were not
 16 48 implemented to prevent an overdraft on or deficit in
 16 49 the general fund of the state.
 16 50 3. If an appropriation is made pursuant to
 17 1 subsection 1 for a fiscal year, there is appropriated
 17 2 from the general fund of the state to the cash reserve
 17 3 fund for the following fiscal year, the amount of the
 17 4 appropriation made pursuant to subsection 1.

17 5 Sec. 47. EFFECTIVE DATE. The following provisions
17 6 of this division of this Act, being deemed of
17 7 immediate importance, take effect upon enactment:
17 8 1. The section appropriating moneys from the keep
17 9 Iowa beautiful fund.
17 10 2. The section amending 2002 Iowa Acts, chapter
17 11 1173, section 18, relating to the nonreversion of
17 12 pooled technology funding.
17 13 3. The section appropriating moneys from the cash
17 14 reserve fund for the military pay differential
17 15 program. This section applies retroactively to March
17 16 19, 2003.
17 17 4. The section appropriating moneys from the
17 18 assisted living program fund.
17 19 5. The section making the contingent appropriation
17 20 from the cash reserve fund.
17 21 6. The section amending 2002 Iowa Acts, Second
17 22 Extraordinary Session, chapter 1003, section 9,
17 23 relating to racetrack regulation.
17 24 7. The amendment to section 96.9.

17 25 DIVISION V
17 26 COMPENSATION AND BENEFITS

17 27 Sec. 48. COLLECTIVE BARGAINING AGREEMENTS FUNDED
17 28 == GENERAL FUND. There is appropriated from the
17 29 general fund of the state to the salary adjustment
17 30 fund for distribution by the department of management
17 31 to the various state departments, boards, commissions,
17 32 councils, and agencies, and to the state board of
17 33 regents for those persons employed at the state school
17 34 for the deaf and the Iowa braille and sight saving
17 35 school, for the fiscal year beginning July 1, 2003,
17 36 and ending June 30, 2004, the amount of \$28,000,000,
17 37 or so much thereof as may be necessary, to fully fund
17 38 annual pay adjustments, expense reimbursements, and
17 39 related benefits implemented pursuant to the
17 40 following:

17 41 1. The collective bargaining agreement negotiated
17 42 pursuant to chapter 20 for employees in the blue
17 43 collar bargaining unit.
17 44 2. The collective bargaining agreement negotiated
17 45 pursuant to chapter 20 for employees in the public
17 46 safety bargaining unit.
17 47 3. The collective bargaining agreement negotiated
17 48 pursuant to chapter 20 for employees in the security
17 49 bargaining unit.
17 50 4. The collective bargaining agreement negotiated
18 1 pursuant to chapter 20 for employees in the technical
18 2 bargaining unit.
18 3 5. The collective bargaining agreement negotiated
18 4 pursuant to chapter 20 for employees in the
18 5 professional fiscal and staff bargaining unit.
18 6 6. The collective bargaining agreement negotiated
18 7 pursuant to chapter 20 for employees in the clerical
18 8 bargaining unit.
18 9 7. The collective bargaining agreement negotiated
18 10 pursuant to chapter 20 for employees in the
18 11 professional social services bargaining unit.
18 12 8. The collective bargaining agreement negotiated
18 13 pursuant to chapter 20 for employees in the community=
18 14 based corrections bargaining unit.
18 15 9. The collective bargaining agreements negotiated
18 16 pursuant to chapter 20 for employees in the judicial
18 17 branch of government bargaining units.
18 18 10. The collective bargaining agreement negotiated
18 19 pursuant to chapter 20 for employees in the patient
18 20 care bargaining unit.
18 21 11. The collective bargaining agreement negotiated
18 22 pursuant to chapter 20 for employees in the science
18 23 bargaining unit.
18 24 12. The annual pay adjustments, related benefits,
18 25 and expense reimbursements referred to in the sections
18 26 of this division of this Act for employees not covered
18 27 by a collective bargaining agreement.
18 28 Of the amount appropriated in this section,
18 29 \$2,668,000 shall be allocated to the judicial branch
18 30 for the purpose of funding annual pay adjustments,
18 31 expense reimbursements, and related benefits
18 32 implemented for judicial branch employees. In
18 33 distributing the remainder of the amount appropriated
18 34 in this section, the department of management, in
18 35 order to address essential public protection functions

18 36 and recognizing the availability of funds appropriated
18 37 in other Acts of the general assembly and other
18 38 sources, shall give priority, in descending order, to
18 39 the department of corrections, department of human
18 40 services, and department of public safety, and then to
18 41 the remaining state departments, boards, commissions,
18 42 councils, and agencies to which the appropriation is
18 43 applicable.

18 44 Sec. 49. NONCONTRACT STATE EMPLOYEES == GENERAL.

18 45 1. a. For the fiscal year beginning July 1, 2003,
18 46 the maximum salary levels of all pay plans provided
18 47 for in section 19A.9, subsection 2, as they exist for
18 48 the fiscal year ending June 30, 2003, shall be
18 49 increased by 2 percent for the pay period beginning
18 50 June 20, 2003, and any additional changes in the pay
19 1 plans shall be approved by the governor.

19 2 b. For the fiscal year beginning July 1, 2003,
19 3 employees may receive a step increase or the
19 4 equivalent of a step increase.

19 5 2. The pay plans for state employees who are
19 6 exempt from chapter 19A and who are included in the
19 7 department of revenue and finance's centralized
19 8 payroll system shall be increased in the same manner
19 9 as provided in subsection 1, and any additional
19 10 changes in any executive branch pay plans shall be
19 11 approved by the governor. However, commencing July 1,
19 12 2003, the consumer advocate shall receive an annual
19 13 salary in the same salary range as the chairperson and
19 14 members of the utilities board.

19 15 3. This section does not apply to members of the
19 16 general assembly, board members, commission members,
19 17 salaries of persons set by the general assembly in
19 18 statute, salaries of appointed state officers set by
19 19 the governor, other persons designated, employees
19 20 designated under section 19A.3, subsection 5, and
19 21 employees covered by 581 IAC 4.6(3).

19 22 4. The pay plans for the bargaining eligible
19 23 employees of the state shall be increased in the same
19 24 manner as provided in subsection 1, and any additional
19 25 changes in such executive branch pay plans shall be
19 26 approved by the governor. As used in this section,
19 27 "bargaining eligible employee" means an employee who
19 28 is eligible to organize under chapter 20, but has not
19 29 done so.

19 30 5. The policies for implementation of this section
19 31 shall be approved by the governor.

19 32 Sec. 50. STATE EMPLOYEES == STATE BOARD OF
19 33 REGENTS.

19 34 1. Funds from the appropriation made in this
19 35 division of this Act from the general fund of the
19 36 state to the salary adjustment fund shall be allocated
19 37 by the department of management to the state board of
19 38 regents for the purposes of providing increases for
19 39 state board of regents employees at the state school
19 40 for the deaf and the Iowa braille and sight saving
19 41 school who are addressed by that appropriation and
19 42 employees of the schools who are not covered by a
19 43 collective bargaining agreement.

19 44 2. The state board of regents office and the state
19 45 university of Iowa, Iowa state university of science
19 46 and technology, and the university of northern Iowa
19 47 shall provide from available sources pay adjustments,
19 48 expense reimbursements, and related benefits to fully
19 49 fund the following:

19 50 a. The collective bargaining agreement negotiated
20 1 pursuant to chapter 20 for employees in the university
20 2 of northern Iowa faculty bargaining unit.

20 3 b. The collective bargaining agreement negotiated
20 4 pursuant to chapter 20 for employees in the patient
20 5 care bargaining unit.

20 6 c. The collective bargaining agreement negotiated
20 7 pursuant to chapter 20 for employees in the science
20 8 bargaining unit.

20 9 d. The collective bargaining agreement negotiated
20 10 pursuant to chapter 20 for employees in the state
20 11 university of Iowa graduate student bargaining unit.

20 12 e. The collective bargaining agreement negotiated
20 13 pursuant to chapter 20 for employees in the state
20 14 university of Iowa hospital and clinics tertiary
20 15 health care bargaining unit.

20 16 f. The collective bargaining agreement negotiated

20 17 pursuant to chapter 20 for employees in the blue
20 18 collar bargaining unit.
20 19 g. The collective bargaining agreement negotiated
20 20 pursuant to chapter 20 for employees in the public
20 21 safety bargaining unit.
20 22 h. The collective bargaining agreement negotiated
20 23 pursuant to chapter 20 for employees in the security
20 24 bargaining unit.
20 25 i. The collective bargaining agreement negotiated
20 26 pursuant to chapter 20 for employees in the technical
20 27 bargaining unit.
20 28 j. The collective bargaining agreement negotiated
20 29 pursuant to chapter 20 for employees in the
20 30 professional fiscal and staff bargaining unit.
20 31 k. The collective bargaining agreement negotiated
20 32 pursuant to chapter 20 for employees in the clerical
20 33 bargaining unit.
20 34 l. The annual pay adjustments, related benefits,
20 35 and expense reimbursements referred to in the sections
20 36 of this division of this Act for employees not covered
20 37 by a collective bargaining agreement.
20 38 Sec. 51. APPROPRIATIONS FROM ROAD FUNDS.
20 39 1. There is appropriated from the road use tax
20 40 fund to the salary adjustment fund for the fiscal year
20 41 beginning July 1, 2003, and ending June 30, 2004, the
20 42 following amount, or so much thereof as may be
20 43 necessary, to be used for the purpose designated:
20 44 To supplement other funds appropriated by the
20 45 general assembly:
20 46 \$ 3,000,000
20 47 2. There is appropriated from the primary road
20 48 fund to the salary adjustment fund, for the fiscal
20 49 year beginning July 1, 2003, and ending June 30, 2004,
20 50 the following amount, or so much thereof as may be
21 1 necessary, to be used for the purpose designated:
21 2 To supplement other funds appropriated by the
21 3 general assembly:
21 4 \$ 12,000,000
21 5 3. Except as otherwise provided in this division
21 6 of this Act, the amounts appropriated in subsections 1
21 7 and 2 shall be used to fund the annual pay
21 8 adjustments, expense reimbursements, and related
21 9 benefits for public employees as provided in this
21 10 division of this Act.
21 11 Sec. 52. SPECIAL FUNDS == AUTHORIZATION. To
21 12 departmental revolving, trust, or special funds,
21 13 except for the primary road fund or the road use tax
21 14 fund, for which the general assembly has established
21 15 an operating budget, a supplemental expenditure
21 16 authorization is provided, unless otherwise provided,
21 17 in an amount necessary to fund salary adjustments as
21 18 otherwise provided in this division of this Act.
21 19 Sec. 53. GENERAL FUND SALARY MONEYS. Funds
21 20 appropriated from the general fund of the state in
21 21 this division of this Act relate only to salaries
21 22 supported from general fund appropriations of the
21 23 state except for employees of the state board of
21 24 regents at the state school for the deaf and the Iowa
21 25 braille and sight saving school. The funds
21 26 appropriated from the general fund of the state for
21 27 employees at the state school for the deaf and the
21 28 Iowa braille and sight saving school of the state
21 29 board of regents shall exclude general university
21 30 indirect costs and general university federal funds.
21 31 Sec. 54. FEDERAL FUNDS APPROPRIATED. All federal
21 32 grants to and the federal receipts of the agencies
21 33 affected by this division of this Act which are
21 34 received and may be expended for purposes of this
21 35 division of this Act are appropriated for those
21 36 purposes and as set forth in the federal grants or
21 37 receipts.
21 38 Sec. 55. STATE TROOPER MEAL ALLOWANCE. The sworn
21 39 peace officers in the department of public safety who
21 40 are not covered by a collective bargaining agreement
21 41 negotiated pursuant to chapter 20 shall receive the
21 42 same per diem meal allowance as the sworn peace
21 43 officers in the department of public safety who are
21 44 covered by a collective bargaining agreement
21 45 negotiated pursuant to chapter 20.
21 46 Sec. 56. SALARY MODEL COORDINATOR. Of the funds
21 47 appropriated in this division of this Act from the

21 48 general fund of the state, \$126,767 for the fiscal
21 49 year beginning July 1, 2003, is allocated to the
21 50 department of management for salary and support of the
22 1 salary model coordinator who shall work in conjunction
22 2 with the legislative fiscal bureau to maintain the
22 3 state's salary model used for analyzing, comparing,
22 4 and projecting state employee salary and benefit
22 5 information, including information relating to
22 6 employees of the state board of regents. The
22 7 department of revenue and finance, the department of
22 8 personnel, the five institutions under the
22 9 jurisdiction of the state board of regents, the eight
22 10 judicial district departments of correctional
22 11 services, and the state department of transportation
22 12 shall provide salary data to the department of
22 13 management and the legislative fiscal bureau to
22 14 operate the state's salary model. The format and
22 15 frequency of provision of the salary data shall be
22 16 determined by the department of management and the
22 17 legislative fiscal bureau. The information shall be
22 18 used in collective bargaining processes under chapter
22 19 20 and in calculating the funding needs contained
22 20 within the annual salary adjustment legislation. A
22 21 state employee organization as defined in section
22 22 20.3, subsection 4, may request information produced
22 23 by the model, but the information provided shall not
22 24 contain information attributable to individual
22 25 employees.

22 26 DIVISION VI

22 27 CORRECTIVE PROVISIONS

22 28 Sec. 57. Section 8A.202, subsection 2, paragraph
22 29 e, if enacted by 2003 Iowa Acts, House File 534, is
22 30 amended by striking the paragraph and inserting in
22 31 lieu thereof the following:

22 32 e. Developing and maintaining an electronic
22 33 repository for public access to reference copies of
22 34 agency mandated reports, newsletters, and publications
22 35 in conformity with section 304B.10, subsection 1,
22 36 paragraph "h". The department shall develop technical
22 37 standards for an electronic repository in consultation
22 38 with the state librarian and the state archivist.

22 39 Sec. 58. 2003 Iowa Acts, House File 289, section
22 40 1, is amended by striking the section and inserting in
22 41 lieu thereof the following:

22 42 SECTION 1. Section 12C.1, subsection 2, paragraph
22 43 e, Code 2003, as amended by 2003 Iowa Acts, Senate
22 44 File 395, is amended by adding the following new
22 45 subparagraph:

22 46 NEW SUBPARAGRAPH. (6) Moneys placed in a
22 47 depository for the purpose of completing an electronic
22 48 financial transaction pursuant to section 8A.222 or
22 49 331.427.

22 50 Sec. 59. Section 99E.9, subsection 2, Code 2003,
23 1 as amended by 2003 Iowa Acts, House File 171, section
23 2 31, is amended to read as follows:

23 3 2. Subject to the approval of the board, the
23 4 commissioner may enter into contracts for the
23 5 operation and marketing of the lottery, except that
23 6 the board may by rule designate classes of contracts
23 7 other than major procurements which do not require
23 8 prior approval by the board. A major procurement
23 9 shall be as the result of competitive bidding with the
23 10 contract being awarded to the responsible vendor
23 11 submitting the lowest and best proposal. However,
23 12 before a contract for a major procurement is awarded,
23 13 the division of criminal investigation of the
23 14 department of public safety shall conduct a thorough
23 15 background investigation of the vendor to whom the
23 16 contract is to be awarded. The commissioner and board
23 17 shall consult with the division of criminal
23 18 investigation and shall provide, by rule, for the
23 19 scope of the thorough background investigations and
23 20 due diligence with regard to the background
23 21 investigations to be conducted in connection with
23 22 major procurements. The vendor shall submit to the
23 23 division of criminal investigation appropriate
23 24 investigation authorizations to facilitate this
23 25 investigation. The background investigation by the
23 26 division of criminal investigation may include a
23 27 national criminal history ~~record~~ check through the
23 28 federal bureau of investigation. The screening of

23 29 vendors or their employees through the federal bureau
23 30 of investigation shall be conducted by submission of
23 31 fingerprints through the state criminal history
23 32 repository to the federal bureau of investigation. As
23 33 used in this subsection, "major procurement" means
23 34 consulting agreements and the major procurement
23 35 contract with a business organization for the printing
23 36 of tickets, or for purchase or lease of equipment or
23 37 services essential to the operation of a lottery game.
23 38 Sec. 60. Section 99G.10, subsection 2, if enacted
23 39 by 2003 Iowa Acts, Senate File 453, section 72, is
23 40 amended to read as follows:
23 41 2. Subject to the approval of the board, the chief
23 42 executive officer shall have the sole power to
23 43 designate particular employees as key personnel, but
23 44 may take advice from the department of personnel in
23 45 making any such designations. All key personnel shall
23 46 be exempt from the merit system described in chapter
23 47 ~~19A 8A, article 4~~. The chief executive officer and
23 48 the board shall have the sole power to employ,
23 49 classify, and fix the compensation of key personnel.
23 50 All other employees shall be employed, classified, and
24 1 compensated in accordance with ~~chapters 19A chapter~~
24 2 ~~8A, article 4, and chapter 20~~.
24 3 Sec. 61. Section 99G.22, subsection 1, if enacted
24 4 by 2003 Iowa Acts, Senate File 453, is amended to read
24 5 as follows:
24 6 1. The authority shall investigate the financial
24 7 responsibility, security, and integrity of any lottery
24 8 system vendor who is a finalist in submitting a bid,
24 9 proposal, or offer as part of a major procurement
24 10 contract. Before a major procurement contract is
24 11 awarded, the division of criminal investigation of the
24 12 department of public safety shall conduct a background
24 13 investigation of the vendor to whom the contract is to
24 14 be awarded. The chief executive officer and board
24 15 shall consult with the division of criminal
24 16 investigation and shall provide for the scope of the
24 17 background investigation and due diligence to be
24 18 conducted in connection with major procurement
24 19 contracts. At the time of submitting a bid, proposal,
24 20 or offer to the authority on a major procurement
24 21 contract, the authority shall require that each vendor
24 22 submit to the division of criminal investigation
24 23 appropriate investigation authorization to facilitate
24 24 this investigation, together with an advance of funds
24 25 to meet the anticipated investigation costs. If the
24 26 division of criminal investigation determines that
24 27 additional funds are required to complete an
24 28 investigation, the vendor will be so advised. The
24 29 background investigation by the division of criminal
24 30 investigation may include a national criminal history
24 31 ~~record~~ check through the federal bureau of
24 32 investigation. The screening of vendors or their
24 33 employees through the federal bureau of investigation
24 34 shall be conducted by submission of fingerprints
24 35 through the state criminal history ~~record~~ repository
24 36 to the federal bureau of investigation.
24 37 Sec. 62. Section 99G.37, subsection 2, if enacted
24 38 by 2003 Iowa Acts, Senate File 453, section 90, is
24 39 amended to read as follows:
24 40 2. In any bidding process, the authority may
24 41 administer its own bidding and procurement or may
24 42 utilize the services of the department of ~~general~~
24 43 ~~administrative~~ services, ~~or its successor~~, or other
24 44 state agency.
24 45 Sec. 63. Section 99G.38, subsection 3, if enacted
24 46 by 2003 Iowa Acts, Senate File 453, section 91, is
24 47 amended to read as follows:
24 48 3. The state of Iowa offset program, as provided
24 49 in section ~~421.17 8A.504~~, shall be available to the
24 50 authority to facilitate receipt of funds owed to the
25 1 authority.
25 2 Sec. 64. Section 135.150, subsection 3, as enacted
25 3 by 2003 Iowa Acts, House File 396, section 1, is
25 4 amended to read as follows:
25 5 3. "Director" means the director ~~or the director's~~
25 6 ~~designee~~ of public health ~~or the director's designee~~.
25 7 Sec. 65. Section 135.154, subsection 7, as enacted
25 8 by 2003 Iowa Acts, House File 396, section 5, is
25 9 amended to read as follows:

25 10 7. Treat or order that individuals exposed to or
25 11 infected with disease receive treatment or
25 12 prophylaxis. Treatment or prophylaxis shall be
25 13 administered by any qualified person authorized to do
25 14 so by the department. Treatment or prophylaxis shall
25 15 not be provided or ordered if the treatment or
25 16 prophylaxis is reasonably likely to lead to serious
25 17 harm to the affected individual. To prevent the
25 18 spread of communicable or potentially communicable
25 19 disease, the department may isolate or quarantine,
25 20 pursuant to chapter 139A and the rules implementing
25 21 chapter 139A and this division of this chapter, any
25 22 individual who is unable or unwilling to undergo
25 23 treatment or prophylaxis pursuant to this section.
25 24 Sec. 66. Section 170.6, subsection 1, paragraph b,
25 25 if enacted by 2003 Iowa Acts, House File 624, is
25 26 amended to read as follows:
25 27 b. Failed to provide notice or access to the
25 28 department of natural resources and the department of
25 29 agriculture and land stewardship as required by
25 30 section 170.5.
25 31 Sec. 67. Section 231.56A, if enacted by 2003 Iowa
25 32 Acts, Senate File 416, section 1, is amended to read
25 33 as follows:
25 34 231.56A ELDER ABUSE INITIATIVE, EMERGENCY SHELTER,
25 35 AND SUPPORT SERVICES PROJECTS.
25 36 1. Through the state's service contract process
25 37 adopted pursuant to section 8.47, the department shall
25 38 identify area agencies on aging that have demonstrated
25 39 the ability to provide a collaborative response to the
25 40 immediate needs of elders in the area agency on aging
25 41 service area for the purpose of implementing elder
25 42 abuse initiative, emergency shelter, and support
25 43 services projects. The projects shall be implemented
25 44 only in the counties within an area agency on aging
25 45 service area that have a multidisciplinary team
25 46 established pursuant to section 235B.1.
25 47 2. The target population of the projects shall be
25 48 any elder residing in the service area of an area
25 49 agency on aging who meets both of the following
25 50 conditions:
26 1 a. Is the subject of a report of suspected
26 2 dependent adult abuse pursuant to chapter 235B.
26 3 b. Is not receiving assistance under a county
26 4 management plan approved pursuant to section 331.439.
26 5 3. The area agencies on aging implementing the
26 6 projects shall identify allowable emergency shelter
26 7 and support services, state funding, outcomes,
26 8 reporting requirements, and approved community
26 9 resources from which services may be obtained under
26 10 the projects. The area agency on aging shall identify
26 11 at least one provider of case management services for
26 12 the project area.
26 13 4. The area agencies on aging shall implement the
26 14 projects and shall coordinate the provider network
26 15 through the use of referrals or other engagement of
26 16 community resources to provide services to elders.
26 17 5. The department shall award funds to the area
26 18 agencies on aging in accordance with the state's
26 19 service contract process. Receipt and expenditures of
26 20 moneys under the projects are subject to examination,
26 21 including audit, by the department.
26 22 6. This section shall not be construed and is not
26 23 intended as, and shall not imply, a grant of
26 24 entitlement for services to individuals who are not
26 25 otherwise eligible for the services or for utilization
26 26 of services that do not currently exist or are not
26 27 otherwise available.
26 28 Sec. 68. Section 232.71B, subsection 7A, if
26 29 enacted by 2003 Iowa Acts, House File 558, section 1,
26 30 is amended to read as follows:
26 31 7A. PROTECTIVE DISCLOSURE. If the department
26 32 determines that disclosure is necessary for the
26 33 protection of a child, the department may disclose to
26 34 a subject of a child abuse report referred to in
26 35 section 235A.15, subsection 2, paragraph "a", that an
26 36 individual is listed in the child or dependent adult
26 37 abuse registry or is required to register with the sex
26 38 offender registry in accordance with chapter 692A.
26 39 Sec. 69. Section 235B.3, subsection 6A, if enacted
26 40 by 2003 Iowa Acts, House File 558, section 2, is

26 41 amended to read as follows:

26 42 6A. If the department determines that disclosure
26 43 is necessary for the protection of a dependent adult,
26 44 the department may disclose to a subject of a
26 45 dependent adult abuse report referred to in section
26 46 235B.6, subsection 2, paragraph "a", that an
26 47 individual is listed in the child or dependent adult
26 48 abuse registry or is required to register with the sex
26 49 offender registry in accordance with chapter 692A.

26 50 Sec. 70. Section 304B.3, subsections 4, 8, and 9,
27 1 if enacted by 2003 Iowa Acts, House File 648, section
27 2 6, are amended to read as follows:

27 3 4. The director of revenue ~~and finance~~.

27 4 8. The director of the department of ~~general~~
27 5 administrative services.

27 6 ~~9. The director of the information technology~~
27 7 ~~department.~~

27 8 Sec. 71. Section 321.69, subsection 9, as amended
27 9 by 2003 Acts, House File 502, section 3, is amended to
27 10 read as follows:

27 11 9. ~~This~~ Except for subsection 9A, this section
27 12 does not apply to motor trucks and truck tractors with
27 13 a gross vehicle weight rating of sixteen thousand
27 14 pounds or more, vehicles more than nine model years
27 15 old, motorcycles, motorized bicycles, and special
27 16 mobile equipment. This section does apply to motor
27 17 homes. The requirement in subsection 1 that the new
27 18 certificate of title and registration receipt shall
27 19 state on the face of the title the total cumulative
27 20 dollar amount of damage does not apply to a vehicle
27 21 with a certificate of title bearing a designation that
27 22 the vehicle was previously titled on a salvage
27 23 certificate of title pursuant to section 321.52,
27 24 subsection 4, paragraph "b", or to a vehicle with a
27 25 certificate of title bearing a "REBUILT" or "SALVAGE"
27 26 designation pursuant to section 321.24, subsection 4
27 27 or 5. ~~This~~ Except for subsection 9A, this section
27 28 does not apply to new motor vehicles with a true
27 29 mileage, as defined in section 321.71, of one thousand
27 30 miles or less, unless such vehicle has incurred damage
27 31 as defined in subsection 2.

27 32 Sec. 72. Section 356.7, subsection 1, as amended
27 33 by 2003 Iowa Acts, House File 650, section 1, if
27 34 enacted, is amended to read as follows:

27 35 1. The county sheriff, or a municipality operating
27 36 a temporary municipal holding facility or jail, may
27 37 charge a prisoner who is eighteen years of age or
27 38 older and who has been convicted of a criminal offense
27 39 or sentenced for contempt of court for violation of a
27 40 domestic abuse order for the actual administrative
27 41 costs relating to the arrest and booking of that
27 42 prisoner, and for room and board provided to the
27 43 prisoner while in the custody of the county sheriff or
27 44 municipality. Moneys collected by the sheriff or
27 45 municipality under this section shall be credited
27 46 ~~respectfully~~ respectively to the county general fund
27 47 or the city general fund and distributed as provided
27 48 in this section. If a prisoner who has been convicted
27 49 of a criminal offense or sentenced for contempt of
27 50 court for violation of a domestic abuse order fails to
28 1 pay for the administrative costs and the room and
28 2 board, the sheriff or municipality may file a room and
28 3 board reimbursement claim with the district court as
28 4 provided in subsection 2. The county attorney may
28 5 file the reimbursement claim on behalf of the sheriff
28 6 and the county or the municipality. The attorney for
28 7 the municipality may also file a reimbursement claim
28 8 on behalf of the municipality. This section does not
28 9 apply to prisoners who are paying for their room and
28 10 board by court order pursuant to sections 356.26
28 11 through 356.35.

28 12 Sec. 73. Section 459.401, subsection 2, paragraph
28 13 a, subparagraph (3A), if enacted by 2003 Iowa Acts,
28 14 House File 644, section 18, is amended to read as
28 15 follows:

28 16 (3A) A commercial manure service license fee as
28 17 provided in section ~~359.316~~ 459.316.

28 18 Sec. 74. Section 505A.1, article V, section 2,
28 19 paragraph a, subparagraph (3), if enacted by 2003 Iowa
28 20 Acts, House File 647, section 54, is amended to read
28 21 as follows:

28 22 (3) Four members from those compacting states with
28 23 less than two percent of the market, based on the
28 24 premium volume described in subparagraph (1), with one
28 25 selected from each of the four zone regions of the
28 26 national association of insurance commissioners as
28 27 provided in the bylaws.

28 28 Sec. 75. Section 508.31A, subsection 2, paragraph
28 29 b, Code 2003, as amended by 2003 Iowa Acts, House File
28 30 647, section 7, if enacted, is amended to read as
28 31 follows:

28 32 b. A funding agreement issued pursuant to
28 33 paragraph "a", subparagraph (1), (2), or (3), shall be
28 34 for a total amount of not less than one million
28 35 dollars.

28 36 Sec. 76. Section 692A.13, subsection 9, if enacted
28 37 by 2003 Iowa Acts, House File 558, section 3, is
28 38 amended to read as follows:

28 39 9. If the department of human services determines
28 40 that disclosure is necessary for the protection of a
28 41 child or a dependent adult, the department may
28 42 disclose to a subject of a child abuse report referred
28 43 to in section 235A.15, subsection 2, paragraph "a", or
28 44 to a subject of a dependent adult abuse report
28 45 referred to in section 235B.6, subsection 2, paragraph
28 46 "a", that an individual is listed in the child or
28 47 dependent adult abuse registry or is required to
28 48 register under this chapter.

28 49 Sec. 77. Section 901.5, subsection 7A, paragraph
28 50 d, as enacted by 2003 Iowa Acts, House File 404,
29 1 section 1, is amended to read as follows:

29 2 d. Violation of a no-contact order issued under
29 3 this section is punishable by summary contempt
29 4 proceedings. A hearing in a contempt proceeding
29 5 brought pursuant to this subsection shall be held not
29 6 less than five days and not more than fifteen days
29 7 after the issuance of a rule to show cause, as set by
29 8 the court, unless the defendant is already in custody
29 9 at the time of the alleged violation in which case the
29 10 hearing shall be held not less than five days and not
29 11 more than forty-five days after the issuance of the
29 12 rule to show cause.

29 13 Sec. 78. 2003 Iowa Acts, Senate File 155, section
29 14 26, is repealed.

29 15 Sec. 79. 2003 Iowa Acts, Senate File 155, section
29 16 56, is repealed.

29 17 Sec. 80. 2003 Iowa Acts, Senate File 453, section
29 18 44, subsection 8, if enacted, is amended to read as
29 19 follows:

29 20 8. STATUTORY REQUIREMENTS. The requirements of
29 21 sections ~~18.6~~ 8A.311 and 72.3 and the administrative
29 22 rules implementing section 8.47 are not applicable to
29 23 the services procurement process used to implement the
29 24 outcomes-based service system redesign in accordance
29 25 with this section. The department of human services
29 26 may enter into competitive negotiations and proposal
29 27 modifications with each successful contractor as
29 28 necessary to implement the provisions of this section.

29 29 Sec. 81. 2003 Iowa Acts, House File 601, section
29 30 2, is amended by striking the section and inserting in
29 31 lieu thereof the following:

29 32 SEC. 2. Section 56.5, subsection 2, paragraph d,
29 33 Code 2003, is amended by striking the paragraph.

29 34 Sec. 82. 2003 Iowa Acts, House File 624, section
29 35 22, if enacted, is amended to read as follows:

29 36 SEC. 22. HUNTING PRESERVES AND GAME BREEDERS ==
29 37 AUTOMATIC CERTIFICATION. ~~Any~~ A fence enclosing farm
29 38 deer kept on land which is owned by a person licensed
29 39 pursuant to section 484B.5 or 481A.61 ~~and which is~~
29 40 ~~enclosed with a fence~~ on the effective date of this
29 41 Act shall be deemed to comply with construction
29 42 requirements of section 170.4 and shall be
29 43 automatically certified by the department of
29 44 agriculture and land stewardship without ~~submitting~~
29 45 submission of an application. The landowner is not
29 46 required to notify the department of natural resources
29 47 concerning removal of whitetail as otherwise required
29 48 pursuant to section 170.5.

29 49 Sec. 83. 2003 Iowa Acts, House File 648, section
29 50 1, if enacted, is repealed.

30 1 Sec. 84. CONTINGENT EFFECTIVE DATES.

30 2 1. The section of this division of this Act

30 3 amending section 8A.202, subsection 2, if enacted by
30 4 2003 Iowa Acts, House File 534, takes effect if House
30 5 File 648, relating to the management of state archives
30 6 and records, is enacted by the Eightieth General
30 7 Assembly, 2003 Regular Session.
30 8 1. The sections of this division of this Act
30 9 amending sections 12C.1, 99G.10, 99G.37, and 99G.38
30 10 take effect only if House File 534 is enacted by the
30 11 Eightieth General Assembly, 2003 Regular Session.
30 12 2. The sections of this division of this Act
30 13 amending section 304B.3, if enacted by 2003 Iowa Acts,
30 14 House File 648, and repealing 2003 Iowa Acts, House
30 15 File 648, section 1, if enacted, take effect if House
30 16 File 534, establishing a department of administrative
30 17 services, is enacted by the Eightieth General
30 18 Assembly, 2003 Regular Session.
30 19 3. The section of this division of this Act
30 20 repealing 2003 Iowa Acts, Senate File 155, section 26,
30 21 takes effect if 2003 Iowa Acts, House File 614,
30 22 relating to elections, is enacted by the Eightieth
30 23 General Assembly, 2003 Regular Session.
30 24 DIVISION VII
30 25 MISCELLANEOUS PROVISIONS
30 26 Sec. 85. Section 7J.1, subsection 1, if enacted by
30 27 2003 Iowa Acts, Senate File 453, is amended to read as
30 28 follows:
30 29 7J.1 CHARTER AGENCIES.
30 30 1. DESIGNATION OF CHARTER AGENCIES == PURPOSE.
30 31 The governor may, by executive order, designate ~~up to~~
~~30 32 five~~ state departments or agencies, as described in
30 33 section 7E.5, other than the department of
30 34 administrative services, if the department is
30 35 established in law, or the department of management,
30 36 as a charter agency by July 1, 2003. The designation
30 37 of a charter agency shall be for a period of five
30 38 years which shall terminate as of June 30, 2008. The
30 39 purpose of designating a charter agency is to grant
30 40 the agency additional authority as provided by this
30 41 chapter while reducing the total appropriations to the
30 42 agency.
30 43 Sec. 86. Section 7J.1, subsection 3, paragraph a,
30 44 if enacted by 2003 Iowa Acts, Senate File 453, is
30 45 amended to read as follows:
30 46 a. It is the intent of the general assembly that
30 47 state general fund operating appropriations to a
30 48 charter agency for ~~any~~ the fiscal year beginning July
~~30 49 1, 2003, and ending June 30, 2004,~~ shall be reduced,
~~30 50 with a target reduction of ten percent for each~~
~~31 1 charter agency,~~ from the appropriation that would
31 2 otherwise have been enacted for that charter agency
31 3 which, along with any additional generated revenue to
~~31 4 the general fund of the state attributed to the~~
~~31 5 reinvention process as determined by the department of~~
~~31 6 management, over that already committed to the general~~
~~31 7 fund of the state by a charter agency, will achieve an~~
~~31 8 overall target of fifteen million dollars.~~
31 9 Sec. 87. Section 7J.2, if enacted by 2003 Iowa
31 10 Acts, Senate File 453, is amended to read as follows:
31 11 7J.2 CHARTER AGENCY ~~LOAN GRANT~~ FUND.
31 12 1. A charter agency ~~loan grant~~ fund is created in
31 13 the state treasury under the control of the department
31 14 of management for the purpose of providing funding to
31 15 support innovation by those state agencies designated
31 16 as charter agencies in accordance with section 7J.1.
31 17 Innovation purposes shall include but are not limited
31 18 to training, development of outcome measurement
31 19 systems, management system modifications, and other
31 20 modifications associated with transition of operations
31 21 to charter agency status. Moneys in the fund are
31 22 appropriated to the department of management for the
31 23 purposes described in this subsection.
31 24 2. A charter agency requesting a loan grant from
31 25 the fund shall complete an application process
31 26 designated by the director of the department of
31 27 management. ~~Minimum loan requirements for charter~~
~~31 28 agency requests shall be determined by the director.~~
31 29 3. ~~In order for the fund to be self-supporting,~~
~~31 30 the director of the department of management shall~~
~~31 31 establish repayment schedules for each loan awarded.~~
~~31 32 An agency shall repay the loan over a period not to~~
~~31 33 exceed five years with interest, at a rate to be~~

~~31 34 determined by the director.~~

31 35 ~~4- 3.~~ Notwithstanding section 12C.7, subsection 2,
31 36 interest or earnings on moneys deposited in the
31 37 charter agency ~~loan grant~~ fund shall be credited to
31 38 the charter agency ~~loan grant~~ fund. Notwithstanding
31 39 section 8.33, moneys credited to the charter agency
31 40 ~~loan grant~~ fund shall not revert to the fund from
31 41 which appropriated at the close of a fiscal year.

31 42 Sec. 88. Section 8.23, subsection 1, paragraph a,
31 43 Code 2003, is amended by striking the paragraph.

31 44 Sec. 89. Section 8.31, Code 2003, is amended to
31 45 read as follows:

31 46 8.31 ~~QUARTERLY REQUISITIONS -- ALLOTMENTS OF~~
31 47 ~~APPROPRIATIONS == EXCEPTIONS == MODIFICATIONS.~~

31 48 ~~1. a.~~ Before an appropriation ~~for administration,~~
31 49 ~~operation and maintenance~~ of any department or
31 50 establishment ~~shall become~~ becomes available, ~~there~~
32 1 ~~shall be submitted the department or establishment~~
32 2 ~~shall submit~~ to the director of the department of
32 3 management, ~~not less than twenty days before the~~
32 4 ~~beginning of each quarter of each fiscal year, a~~
32 5 requisition for ~~an~~ allotment of the ~~amount estimated~~
32 6 ~~to be necessary to carry on its work appropriation~~
32 7 ~~according to dates identified in the requisition~~
32 8 ~~during the ensuing quarter fiscal year by which~~
32 9 ~~portions of the appropriation will be needed. The~~
32 10 ~~department or establishment shall submit the~~
32 11 ~~requisition by June 1, prior to the start of a fiscal~~
32 12 ~~year or by another date identified by the director.~~
32 13 The requisition shall contain details of proposed
32 14 expenditures as may be required by the director ~~of the~~
32 15 ~~department of management~~ subject to review by the
32 16 governor.

32 17 ~~b.~~ The director of the department of management
32 18 shall approve the allotments subject to review by the
32 19 governor, unless it is found that the estimated budget
32 20 resources during the fiscal year are insufficient to
32 21 pay all appropriations in full, in which event such
32 22 allotments may be modified to the extent the governor
32 23 may deem necessary in order that there shall be no
32 24 overdraft or deficit in the several funds of the state
32 25 at the end of the fiscal year, and the director shall
32 26 submit copies of the allotments thus approved or
32 27 modified to the head of the department or
32 28 establishment concerned, who shall set up such
32 29 allotments on the books and be governed accordingly in
32 30 the control of expenditures.

32 31 ~~Allotments of appropriations made for equipment,~~
32 32 ~~land, permanent improvements, and other capital~~
32 33 ~~projects may, however, be allotted in one amount by~~
32 34 ~~major classes or projects for which they are~~
32 35 ~~expendable without regard to quarterly periods. For~~
32 36 ~~fiscal years beginning on or after July 1, 1989,~~
32 37 ~~allotments of appropriations for equipment, land,~~
32 38 ~~permanent improvements, and other capital projects,~~
32 39 ~~except where contracts have been entered into with~~
32 40 ~~regard to the acquisition or project prior to July 1,~~
32 41 ~~1989, shall not be allotted in one amount but shall be~~
32 42 ~~allotted at quarterly periods as provided in this~~
32 43 ~~section.~~

32 44 ~~2.~~ Allotments ~~thus~~ made in accordance with
32 45 subsection 1 may be subsequently modified by the
32 46 director of the department of management at the
32 47 direction of the governor either upon the written
32 48 request of the head of the department or establishment
32 49 concerned, or in the event the governor finds that the
32 50 estimated budget resources during the fiscal year are
33 1 insufficient to pay all appropriations in full, upon
33 2 the governor's own initiative to the extent the
33 3 governor may deem necessary in order that there shall
33 4 be no overdraft or deficit in the several funds of the
33 5 state at the end of the fiscal year; and the head of
33 6 the department or establishment shall be given notice
33 7 of a modification in the same way as in the case of
33 8 original allotments.

33 9 ~~3. Provided, however, that the~~ The allotment
33 10 requests of all departments and establishments
33 11 collecting governmental fees and other revenue which
33 12 supplement a state appropriation shall attach to the
33 13 summary of requests a statement showing how much of
33 14 the proposed allotments are to be financed from ~~(1)~~

33 15 state appropriations, ~~(2)~~ stores, and ~~(3)~~ repayment
33 16 receipts.

33 17 4. The procedure to be employed in controlling the
33 18 expenditures and receipts of the state fair board and
33 19 the institutions under the state board of regents,
33 20 whose collections are not deposited in the state
33 21 treasury, is that outlined in section 421.31,
33 22 subsection 6.

33 23 5. If the governor determines that the estimated
33 24 budget resources during the fiscal year are
33 25 insufficient to pay all appropriations in full, the
33 26 reductions shall be uniform and prorated between all
33 27 departments, agencies and establishments upon the
33 28 basis of their respective appropriations.

33 29 6. Allotments from appropriations for the foreign
33 30 trade offices of the department of economic
33 31 development, if the appropriations are described by
33 32 line item in the department's appropriation Act or
33 33 another Act, may be made ~~without regard to quarterly~~
~~33 34 periods~~ as is necessary to take advantage of the most
33 35 favorable foreign currency exchange rates.

33 36 Sec. 90. Section 8.57, subsection 1, paragraph c,
33 37 Code 2003, is amended to read as follows:

33 38 c. The amount appropriated in this section is not
33 39 subject to the provisions of section 8.31, relating to
33 40 ~~quarterly~~ requisitions and allotment, or to section
33 41 8.32, relating to conditional availability of
33 42 appropriations.

33 43 Sec. 91. Section 12B.10, subsection 6, paragraph
33 44 d, subparagraph (4), Code 2003, is amended to read as
33 45 follows:

33 46 (4) For investments of short-term operating funds,
33 47 the funds shall not be invested in investments having
33 48 effective maturities exceeding sixty-three months.

33 49 Sec. 92. Section 12B.10A, subsection 6, paragraph
33 50 d, subparagraph (4), Code 2003, is amended to read as
34 1 follows:

34 2 (4) For investments of short-term operating funds,
34 3 the funds shall not be invested in investments having
34 4 effective maturities exceeding sixty-three months.

34 5 Sec. 93. Section 12C.27, Code 2003, is amended by
34 6 striking the section and inserting in lieu thereof the
34 7 following:

34 8 12C.27 FAILURE TO MAINTAIN REQUIRED COLLATERAL.

34 9 If the treasurer of state determines that a bank
34 10 fails to comply with chapter 12C.22, subsections 2 and
34 11 3, the treasurer of state may restrict that bank from
34 12 accepting uninsured public funds and shall notify the
34 13 office of thrift supervision, the office of the
34 14 comptroller of the currency, or the superintendent as
34 15 applicable, who may take such action against the bank,
34 16 its board of directors and officers as permitted by
34 17 law.

34 18 Sec. 94. Section 12E.12, subsection 8, Code 2003,
34 19 is amended to read as follows:

34 20 8. With respect to the payment of certain debt
34 21 service, the debt service to be paid shall be those
34 22 installments of debt service on bonds selected by the
34 23 treasurer of state and identified in the authority's
34 24 tax certificate delivered at the time of the issuance
34 25 of the bonds issued pursuant to this chapter, or as
34 26 otherwise selected by the treasurer of state. Once
34 27 the bonds and the installments of debt service thereon
34 28 are so selected, that debt service and bonds shall not
34 29 be paid, or provided to be paid, from any other source
34 30 including the state or any of its departments or
34 31 agencies. Provided, however, that if funds are not
34 32 appropriated to pay debt service on such bonds when
34 33 due, the issuing agency shall pay ~~such the~~ debt
34 34 service from any available source as provided in the
34 35 bond covenants ~~for such bonds~~. To the extent that
34 36 this section does not allow proceeds of previously
34 37 issued refunding bonds to be applied for the purpose
34 38 of the refunding, the issuing agency may expend such
34 39 proceeds to improve, remodel, or repair buildings or
34 40 other infrastructure upon authorization of the issuing
34 41 agency's authority.

34 42 Sec. 95. Section 15E.42, subsection 3, Code 2003,
34 43 is amended to read as follows:

34 44 3. "Investor" means an individual making a cash
34 45 investment in a qualifying business or an individual

34 46 taxed on income from a revocable trust's cash
34 47 investment in a qualifying business or a person making
34 48 a cash investment in a community-based seed capital
34 49 fund. "Investor" does not include a person which is a
34 50 current or previous owner, member, or shareholder in a
35 1 qualifying business.
35 2 Sec. 96. Section 15E.43, subsection 1, paragraph
35 3 a, Code 2003, is amended to read as follows:
35 4 a. For tax years beginning on or after January 1,
35 5 2002, a tax credit shall be allowed against the taxes
35 6 imposed in chapter 422, division II, for a portion of
35 7 an individual taxpayer's equity investment, as
35 8 provided in subsection 2, in a qualifying business.
35 9 An individual shall not claim a tax credit under this
35 10 paragraph of a partnership, limited liability company,
35 11 S corporation, estate, or trust electing to have
35 12 income taxed directly to the individual. However, an
35 13 individual receiving income from a revocable trust's
35 14 investment in a qualified business may claim a tax
35 15 credit under this paragraph against the taxes imposed
35 16 in chapter 422, division II, for a portion of the
35 17 revocable trust's equity investment, as provided in
35 18 subsection 2, in a qualified business.
35 19 Sec. 97. Section 15E.43, subsection 1, Code 2003,
35 20 is amended by adding the following new paragraph:
35 21 NEW PARAGRAPH. d. In the case of a tax credit
35 22 allowed against the taxes imposed in chapter 422,
35 23 division II, where the taxpayer died prior to
35 24 redeeming the entire tax credit, the remaining credit
35 25 can be redeemed on the decedent's final income tax
35 26 return.
35 27 Sec. 98. Section 15E.45, subsection 2, paragraph
35 28 c, Code 2003, is amended to read as follows:
35 29 c. The fund has no fewer than ten ~~individual~~
35 30 investors who are not affiliates, with no single
35 31 investor and affiliates of that investor together
35 32 owning a total of more than twenty-five percent of the
35 33 ownership interests outstanding in the fund.
35 34 Sec. 99. Section 15E.51, subsection 4, Code 2003,
35 35 is amended to read as follows:
35 36 4. A taxpayer shall not claim a tax credit under
35 37 this section if the taxpayer is a venture capital
35 38 investment fund allocation manager for the Iowa fund
35 39 of funds created in section 15E.65 or an investor that
35 40 receives a tax credit for ~~an~~ the same investment in a
35 41 community-based seed capital fund as defined in 2002
35 42 Iowa Acts, House File 2271.
35 43 Sec. 100. Section 15E.193B, subsection 4, Code
35 44 2003, is amended to read as follows:
35 45 4. The eligible housing business shall complete
35 46 its building or rehabilitation within two years from
35 47 the time the business begins construction on the
35 48 single-family homes and dwelling units. The failure
35 49 to complete construction or rehabilitation within two
35 50 years shall result in the eligible housing business
36 1 becoming ineligible and subject to the repayment
36 2 requirements and penalties enumerated in subsection 7.
36 3 The department may extend the prescribed two-year
36 4 completion period for any project which has not been
36 5 completed if the department determines that completion
36 6 within the two-year period is impossible or
36 7 impractical as a result of a substantial loss caused
36 8 by flood, fire, earthquake, storm, or other
36 9 catastrophe. For purposes of this subsection,
36 10 "substantial loss" means damage or destruction in an
36 11 amount in excess of thirty percent of the project's
36 12 expected eligible basis as set forth in the eligible
36 13 housing business's application.
36 14 Sec. 101. NEW SECTION. 16.181 HOUSING TRUST
36 15 FUND.
36 16 1. a. A housing trust fund is created within the
36 17 authority. The moneys in the housing trust fund are
36 18 annually appropriated to the authority to be used for
36 19 the development and preservation of affordable housing
36 20 for low-income people in the state. Payment of
36 21 interest, recaptures of awards, or other repayments to
36 22 the housing trust fund shall be deposited in the fund.
36 23 Notwithstanding section 12C.7, interest or earnings on
36 24 moneys in the housing trust fund or appropriated to
36 25 the fund shall be credited to the fund.
36 26 Notwithstanding section 8.33, unencumbered and

36 27 unobligated moneys remaining in the fund at the close
36 28 of each fiscal year shall not revert but shall remain
36 29 available for expenditure for the same purposes in the
36 30 succeeding fiscal year.

36 31 b. Assets in the housing trust fund shall consist
36 32 of all of the following:

36 33 (1) Any assets received by the authority from the
36 34 Iowa housing corporation.

36 35 (2) Any assets transferred by the authority for
36 36 deposit in the housing trust fund.

36 37 (3) Any other moneys appropriated by the general
36 38 assembly and any other moneys available to and
36 39 obtained or accepted by the authority for placement in
36 40 the housing trust fund.

36 41 c. The authority shall create the following
36 42 programs within the housing trust fund:

36 43 (1) Local housing trust fund program. Sixty
36 44 percent of available moneys in the housing trust fund
36 45 shall be allocated for the local housing trust fund
36 46 program. Any moneys remaining in the local housing
36 47 trust fund program on April 1 of each fiscal year
36 48 which have not been awarded to a local housing trust
36 49 fund may be transferred to the project-based housing
36 50 program at any time prior to the end of the fiscal
37 1 year.

37 2 (2) Project-based housing program. Forty percent
37 3 of the available moneys in the housing trust fund
37 4 shall be allocated to the project-based housing
37 5 program.

37 6 2. a. In order to be eligible to apply for
37 7 funding from the local housing trust fund program, a
37 8 local housing trust fund must be approved by the
37 9 authority and have all of the following:

37 10 (1) A local governing board recognized by the
37 11 city, county, council of governments, or regional
37 12 officials as the board responsible for coordinating
37 13 local housing programs.

37 14 (2) A housing assistance plan approved by the
37 15 authority.

37 16 (3) Sufficient administrative capacity in regard
37 17 to housing programs.

37 18 (4) A local match requirement approved by the
37 19 authority.

37 20 b. An award from the local housing trust fund
37 21 program shall not exceed ten percent of the balance in
37 22 the program at the beginning of the fiscal year plus
37 23 ten percent of any deposits made during the fiscal
37 24 year.

37 25 c. By December 31 of each year, a local housing
37 26 trust fund receiving moneys from the local housing
37 27 trust fund program shall submit a report to the
37 28 authority itemizing expenditures of the awarded
37 29 moneys.

37 30 3. In an area where no local housing trust fund
37 31 exists, a person may apply for moneys from the
37 32 project-based housing program.

37 33 4. The authority shall adopt rules pursuant to
37 34 chapter 17A necessary to administer this section.

37 35 Sec. 102. Section 25.1, Code 2003, is amended by
37 36 adding the following new subsection:

37 37 NEW SUBSECTION. 4. Notwithstanding subsections 1
37 38 and 2, and section 25.2, the state appeal board shall
37 39 not consider claims for refund of the unused portion
37 40 of vehicle registration fees collected under section
37 41 321.105.

37 42 Sec. 103. Section 28.9, subsection 2, Code 2003,
37 43 is amended to read as follows:

37 44 2. a. A school ready children grants account is
37 45 created in the Iowa empowerment fund under the
37 46 authority of the director of the department of
37 47 education. Moneys credited to the account shall be
37 48 distributed by the department of education in the form
37 49 of grants to community empowerment areas pursuant to
37 50 criteria established by the Iowa board in accordance
38 1 with law.

38 2 b. The distribution formula utilized by the Iowa
38 3 board for school ready children grants in the fiscal
38 4 year beginning July 1, 2004, and for each succeeding
38 5 fiscal year, shall specifically incorporate the
38 6 following components:

38 7 (1) A minimum statewide performance baseline shall

38 8 be established for the core indicators of performance
38 9 identified pursuant to section 28.8, subsection 1,
38 10 paragraph "a".

38 11 (2) A community empowerment area must maintain its
38 12 designated status in good standing and must have
38 13 received continued approval of its school ready
38 14 children grant plan.

38 15 (3) The community empowerment area must identify
38 16 how the core indicators of performance will be
38 17 addressed by the area and select two or more of the
38 18 core indicators that will achieve a minimum percentage
38 19 of improvement identified by the area, subject to
38 20 approval by the Iowa board. The community empowerment
38 21 area's data for the calendar year preceding the year
38 22 in which the area initially received a school ready
38 23 children grant shall be used as the area's baseline
38 24 year.

38 25 (4) If an area achieves the identified percentage
38 26 level of improvement in the preceding calendar year,
38 27 the area's minimum grant amount shall be the
38 28 annualized grant amount received in the area's initial
38 29 year of funding. The Iowa board may implement
38 30 provisions for averaging the performance levels over
38 31 two or more years and other approaches to apply the
38 32 requirements of this paragraph "b" in an equitable
38 33 manner.

38 34 (5) If an area does not achieve the identified
38 35 percentage level of improvement in the preceding
38 36 calendar year, the area shall receive a reduction from
38 37 the area's minimum grant amount. If the identified
38 38 percentage level of improvement is achieved in the
38 39 next succeeding calendar year, the area's minimum
38 40 grant amount shall be restored.

38 41 Sec. 104. Section 29C.8, subsection 3, Code 2003,
38 42 is amended by adding the following new paragraphs:

38 43 NEW PARAGRAPH. f. (1) Approve and support the
38 44 development and ongoing operations of an urban search
38 45 and rescue team to be deployed as a resource to
38 46 supplement and enhance emergency and disaster
38 47 operations.

38 48 (2) A member of an urban search and rescue team
38 49 acting under the authority of the administrator or
38 50 pursuant to a governor's disaster proclamation as
39 1 provided in section 29C.6 shall be considered an
39 2 employee of the state under chapter 669 and shall be
39 3 afforded protection as an employee of the state under
39 4 section 669.21. Disability, workers' compensation,
39 5 and death benefits for team members working under the
39 6 authority of the administrator or pursuant to the
39 7 provisions of section 29C.6 shall be paid by the state
39 8 in a manner consistent with the provisions of chapter
39 9 85, 410, or 411 as appropriate, depending on the
39 10 status of the member.

39 11 NEW PARAGRAPH. g. Develop, implement, and support
39 12 a uniform incident command system to be used by state
39 13 agencies to facilitate efficient and effective
39 14 assistance to those affected by emergencies and
39 15 disasters. This system shall be consistent with the
39 16 requirements of the United States occupational safety
39 17 and health administration and a national incident
39 18 management system.

39 19 Sec. 105. Section 29C.20, subsection 1, Code 2003,
39 20 is amended to read as follows:

39 21 1. a. A contingent fund is created in the state
39 22 treasury for the use of the executive council which
39 23 may be expended for the ~~purpose of paying following~~
39 24 ~~purposes:~~

39 25 (1) ~~Paying~~ the expenses of suppressing an
39 26 insurrection or riot, actual or threatened, when state
39 27 aid has been rendered by order of the governor, ~~and~~
39 28 ~~for repairing,~~

39 29 (2) ~~Repairing,~~ rebuilding, or restoring state
39 30 property injured, destroyed, or lost by fire, storm,
39 31 theft, or unavoidable cause, ~~and for repairing,~~

39 32 (3) ~~Repairing,~~ rebuilding, or restoring state
39 33 property ~~which~~ that is fiberoptic cable and ~~which~~ 39 34 is injured or destroyed by a wild
39 35 ~~animal, and for aid~~
39 36 ~~to.~~

39 36 (4) Paying the expenses incurred by and claims of
39 37 an urban search and rescue team when acting under the
39 38 authority of the administrator and the provisions of

39 39 section 29C.6 and disaster medical assistance teams
39 40 when acting under the provisions of section 135.153.
39 41 (5) (a) Aiding any governmental subdivision in an
39 42 area declared by the governor to be a disaster area
39 43 due to natural disasters or to expenditures
39 44 necessitated by the governmental subdivision toward
39 45 averting or lessening the impact of the potential
39 46 disaster, where the effect of the disaster or action
39 47 on the governmental subdivision is the immediate
39 48 financial inability to meet the continuing
39 49 requirements of local government.
39 50 (b) Upon application by a governmental subdivision
40 1 in such an area, accompanied by a showing of
40 2 obligations and expenditures necessitated by an actual
40 3 or potential disaster in a form and with further
40 4 information the executive council requires, the aid
40 5 may be made in the discretion of the executive council
40 6 and, if made, shall be in the nature of a loan up to a
40 7 limit of seventy-five percent of the showing of
40 8 obligations and expenditures. The loan, without
40 9 interest, shall be repaid by the maximum annual
40 10 emergency levy authorized by section 24.6, or by the
40 11 appropriate levy authorized for a governmental
40 12 subdivision not covered by section 24.6. The
40 13 aggregate total of loans shall not exceed one million
40 14 dollars during a fiscal year. A loan shall not be for
40 15 an obligation or expenditure occurring more than two
40 16 years previous to the application.
40 17 b. When a state department or agency requests that
40 18 moneys from the contingent fund be expended to repair,
40 19 rebuild, or restore state property injured, destroyed,
40 20 or lost by fire, storm, theft, or unavoidable cause,
40 21 or to repair, rebuild, or restore state property ~~which~~
40 22 ~~that~~ is fiberoptic cable and ~~which that~~ is injured or
40 23 destroyed by a wild animal, or for payment of the
40 24 expenses incurred by and claims of an urban search and
40 25 rescue team when acting under the authority of the
40 26 administrator and the provisions of section 29C.6, the
40 27 executive council shall consider the original source
40 28 of the funds for acquisition of the property before
40 29 authorizing the expenditure. If the original source
40 30 was other than the general fund of the state, the
40 31 department or agency shall be directed to utilize
40 32 moneys from the original source if possible. The
40 33 executive council shall not authorize the repairing,
40 34 rebuilding, or restoring of the property from the
40 35 disaster aid contingent fund if it determines that
40 36 moneys from the original source are available to
40 37 finance the project.
40 38 Sec. 106. Section 80B.5, Code 2003, is amended to
40 39 read as follows:
40 40 80B.5 ADMINISTRATION.
40 41 The administration of the Iowa law enforcement
40 42 academy and council Act shall be vested in the office
40 43 of the governor. ~~A director of the academy and such~~
40 44 ~~staff~~ Staff as may be necessary for ~~it~~ the law
40 45 enforcement academy to function shall be employed
40 46 pursuant to the Iowa merit system.
40 47 Sec. 107. NEW SECTION. 80B.5A DIRECTOR.
40 48 The governor shall appoint the director of the Iowa
40 49 law enforcement academy, subject to senate
40 50 confirmation, to a four-year term beginning and ending
41 1 as provided in section 69.19.
41 2 Sec. 108. Section 99G.9, subsection 3, paragraph
41 3 j, if enacted by 2003 Iowa Acts, Senate File 453, is
41 4 amended by striking the paragraph.
41 5 Sec. 109. Section 99G.40, subsection 5, if enacted
41 6 by 2003 Iowa Acts, Senate File 453, is amended to read
41 7 as follows:
41 8 5. The authority shall adopt the same fiscal year
41 9 as that used by state government and shall be audited
41 10 annually by the auditor of state or a certified public
41 11 accounting firm appointed by the auditor. The auditor
41 12 of state or a designee conducting an audit under this
41 13 chapter shall have access and authority to examine any
41 14 and all records of licensees necessary to determine
41 15 compliance with this chapter and the rules adopted
41 16 pursuant to this chapter. The cost of audits and
41 17 examinations conducted by the auditor of state or a
41 18 designee shall be paid for by the authority.
41 19 Sec. 110. NEW SECTION. 174.24 LIABILITY OF

41 20 COUNTY FAIR SOCIETY.

41 21 A society, as defined in section 174.1, shall be
41 22 immune from liability for any damages incurred at a
41 23 county fair held by the society if the damages were
41 24 incurred on or at an exhibit, leased facility,
41 25 amusement ride, or an activity not under the control
41 26 of the society, if the county fair requires the vendor
41 27 in control of the exhibit, leased facility, amusement
41 28 ride, or other activity to obtain liability insurance
41 29 of at least three hundred thousand dollars. An
41 30 officer or employee of a society, as defined in
41 31 section 174.1, shall not be held liable for punitive
41 32 damages as a result of acts in the performance of the
41 33 officer's or employee's duties, unless reckless
41 34 misconduct is proven.

41 35 Sec. 111. Section 257.11, subsection 5, paragraph
41 36 b, Code 2003, is amended to read as follows:

41 37 b. A school district which establishes a regional
41 38 academy shall be eligible to assign its resident
41 39 pupils attending classes at the academy a weighting of
41 40 one-tenth of the percentage of the pupil's school day
41 41 during which the pupil attends classes at the regional
41 42 academy. For the purposes of this subsection,
41 43 "regional academy" means an educational institution
41 44 established by a school district to which multiple
41 45 schools send pupils in grades ~~seven~~ nine through
41 46 twelve, and may include a virtual academy. A regional
41 47 academy shall include in its curriculum advanced=level
41 48 courses and may include in its curriculum vocational=
41 49 technical ~~programs~~ courses. The maximum amount of
41 50 additional weighting for which a school district
42 1 establishing a regional academy shall be eligible is
42 2 an amount corresponding to fifteen additional pupils.
42 3 The minimum amount of additional weighting for which a
42 4 school district establishing a regional academy shall
42 5 be eligible is an amount corresponding to ten
42 6 additional pupils if the academy provides both
42 7 advanced=level courses and vocational technical
42 8 courses. However, if the sum of the funding amount
42 9 calculated for all districts operating regional
42 10 academies under this subsection exceeds one million
42 11 dollars for the school year beginning July 1, 2004,
42 12 and each succeeding fiscal year, the director of the
42 13 department of management shall prorate the amount
42 14 calculated for each district. The proration shall be
42 15 based upon the amount calculated for each district
42 16 when compared to the sum of the amount for all
42 17 districts.

42 18 Sec. 112. Section 260C.14, Code 2003, is amended
42 19 by adding the following new subsection:

42 20 NEW SUBSECTION. 20. Adopt a policy to offer not
42 21 less than the following options to a student who is a
42 22 member of the Iowa national guard or reserve forces of
42 23 the United States and who is ordered to active state
42 24 service or federal service or duty:

42 25 a. Withdraw from the student's entire registration
42 26 and receive a full refund of tuition and mandatory
42 27 fees.

42 28 b. Make arrangements with the student's
42 29 instructors for course grades, or for incompletes that
42 30 shall be completed by the student at a later date. If
42 31 such arrangements are made, the student's registration
42 32 shall remain intact and tuition and mandatory fees
42 33 shall be assessed for the courses in full.

42 34 c. Make arrangements with only some of the
42 35 student's instructors for course grades, or for
42 36 incompletes that shall be completed by the student at
42 37 a later date. If such arrangements are made, the
42 38 registration for those courses shall remain intact and
42 39 tuition and mandatory fees shall be assessed for those
42 40 courses. Any course for which arrangements cannot be
42 41 made for grades or incompletes shall be considered
42 42 dropped and the tuition and mandatory fees for the
42 43 course refunded.

42 44 Sec. 113. Section 261.9, subsection 1, unnumbered
42 45 paragraph 1, Code 2003, is amended to read as follows:

42 46 "Accredited private institution" means an
42 47 institution of higher learning located in Iowa which
42 48 is operated privately and not controlled or
42 49 administered by any state agency or any subdivision of
42 50 the state, except for county hospitals as provided in

43 1 paragraph "c" of this subsection, and which meets at
43 2 least one of the criteria in paragraphs "a" through
43 3 "c" and all of the criteria in paragraphs "d" through
43 4 "~~f~~" "g":
43 5 Sec. 114. Section 261.9, subsection 1, Code 2003,
43 6 is amended by adding the following new paragraph:
43 7 NEW PARAGRAPH. g. Adopts a policy to offer not
43 8 less than the following options to a student who is a
43 9 member of the Iowa national guard or reserve forces of
43 10 the United States and who is ordered to active state
43 11 service or federal service or duty:
43 12 (1) Withdraw from the student's entire
43 13 registration and receive a full refund of tuition and
43 14 mandatory fees.
43 15 (2) Make arrangements with the student's
43 16 instructors for course grades, or for incompletes that
43 17 shall be completed by the student at a later date. If
43 18 such arrangements are made, the student's registration
43 19 shall remain intact and tuition and mandatory fees
43 20 shall be assessed for the courses in full.
43 21 (3) Make arrangements with only some of the
43 22 student's instructors for grades, or for incompletes
43 23 that shall be completed by the student at a later
43 24 date. If such arrangements are made, the registration
43 25 for those courses shall remain intact and tuition and
43 26 mandatory fees shall be assessed for those courses.
43 27 Any course for which arrangements cannot be made for
43 28 grades or incompletes shall be considered dropped and
43 29 the tuition and mandatory fees for the course
43 30 refunded.
43 31 Sec. 115. Section 262.9, Code 2003, is amended by
43 32 adding the following new subsection:
43 33 NEW SUBSECTION. 29. Direct the institutions of
43 34 higher education under its control to adopt a policy
43 35 to offer not less than the following options to a
43 36 student who is a member of the Iowa national guard or
43 37 reserve forces of the United States and who is ordered
43 38 to active state service or federal service or duty:
43 39 a. Withdraw from the student's entire registration
43 40 and receive a full refund of tuition and mandatory
43 41 fees.
43 42 b. Make arrangements with the student's
43 43 instructors for course grades, or for incompletes that
43 44 shall be completed by the student at a later date. If
43 45 such arrangements are made, the student's registration
43 46 shall remain intact and tuition and mandatory fees
43 47 shall be assessed for the courses in full.
43 48 c. Make arrangements with only some of the
43 49 student's instructors for grades, or for incompletes
43 50 that shall be completed by the student at a later
44 1 date. If such arrangements are made, the registration
44 2 for those courses shall remain intact and tuition and
44 3 mandatory fees shall be assessed for those courses.
44 4 Any course for which arrangements cannot be made for
44 5 grades or incompletes shall be considered dropped and
44 6 the tuition and mandatory fees for the course
44 7 refunded.
44 8 Sec. 116. Section 284.13, subsection 1, paragraph
44 9 a, Code 2003, is amended to read as follows:
44 10 a. For each fiscal year in the fiscal year period
44 11 beginning July 1, 2001-2003, and ending June 30, 2002
44 12 2005, the department shall reserve up to ~~one million~~
44 13 five hundred thousand dollars of any moneys
44 14 appropriated for purposes of this chapter. For each
44 15 fiscal year in which moneys are appropriated by the
44 16 general assembly for purposes of team-based variable
44 17 pay pursuant to section 284.11, the amount of moneys
44 18 allocated to school districts shall be in the
44 19 proportion that the basic enrollment of a school
44 20 district bears to the sum of the basic enrollments of
44 21 all participating school districts for the budget
44 22 year. However, the per pupil amount distributed to a
44 23 school district under the pilot program shall not
44 24 exceed one hundred dollars.
44 25 Sec. 117. Section 284.13, subsection 1, paragraph
44 26 g, unnumbered paragraph 1, Code 2003, is amended to
44 27 read as follows:
44 28 For each fiscal year in which funds are
44 29 appropriated for purposes of this chapter, the moneys
44 30 remaining after distribution as provided in paragraphs
44 31 "a" through "f" and "h" shall be allocated to school

44 32 districts for salaries and career development in
44 33 accordance with the following formula:
44 34 Sec. 118. Section 294A.25, subsection 6, Code
44 35 2003, is amended by striking the subsection.
44 36 Sec. 119. Section 294A.25, subsections 7, 8, and
44 37 9, Code 2003, are amended to read as follows:
44 38 7. For Except as otherwise provided in this
44 39 section, for the fiscal year beginning July 1, 1990
44 40 2003, and succeeding fiscal years, the remainder of
44 41 moneys appropriated in subsection 1 to the department
44 42 of education shall be deposited in the educational
44 43 excellence fund to be allocated in an amount to meet
44 44 the minimum salary requirements of this chapter for
44 45 phase I, in an amount to meet the requirements for and
44 46 phase II, and the remainder of the appropriation for
44 47 phase III.
44 48 8. Commencing with the fiscal year beginning July
44 49 1, ~~1997~~ 2003, the amount of two hundred thirty
44 50 thousand dollars for a kindergarten to grade twelve
45 1 management information system ~~from additional funds~~
45 2 ~~transferred from phase I to phase III.~~
45 3 9. For the fiscal year beginning July 1, ~~2000~~
45 4 2003, and for each succeeding fiscal year, the amount
45 5 of one hundred seventy thousand dollars to the state
45 6 board of regents for distribution in the amount of
45 7 sixty-eight thousand dollars to the Iowa braille and
45 8 sight saving school and in the amount of one hundred
45 9 two thousand dollars to the Iowa state school for the
45 10 deaf ~~from phase III moneys.~~
45 11 Sec. 120. Section 321J.2, subsection 2, paragraph
45 12 a, subparagraph (3), subparagraph subdivisions (a) and
45 13 (b), as enacted by 2003 Iowa Acts, House File 65,
45 14 section 2, are amended to read as follows:
45 15 (a) A defendant whose alcohol concentration is .08
45 16 or more but not more than .10 shall not be eligible
45 17 for any temporary restricted license for at least
45 18 thirty days if a test was obtained and an accident
45 19 resulting in personal injury or property damage
45 20 occurred. The defendant shall be ordered to install
45 21 an ignition interlock device of a type approved by the
45 22 commissioner of public safety on all vehicles owned or
45 23 operated by the defendant if the defendant seeks a
45 24 temporary restricted license. There shall be no such
45 25 period of ineligibility if no such accident occurred,
45 26 and the defendant shall not be ordered to install an
45 27 ignition interlock device.
45 28 (b) A defendant whose alcohol concentration is
45 29 more than .10 shall not be eligible for any temporary
45 30 restricted license for at least thirty days if a test
45 31 was obtained, and an accident resulting in personal
45 32 injury or property damage occurred or the defendant's
45 33 alcohol concentration exceeded .15. There shall be no
45 34 such period of ineligibility if no such accident
45 35 occurred and the defendant's alcohol concentration did
45 36 not exceed .15. In either case, where a defendant's
45 37 alcohol concentration is more than .10, the defendant
45 38 shall be ordered to install an ignition interlock
45 39 device of a type approved by the commissioner of
45 40 public safety on all vehicles owned or operated by the
45 41 defendant if the defendant seeks a temporary
45 42 restricted license.
45 43 Sec. 121. Section 321J.4, subsection 1, paragraphs
45 44 a and b, as enacted by 2003 Iowa Acts, House File 65,
45 45 section 3, are amended to read as follows:
45 46 a. A defendant whose alcohol concentration is .08
45 47 or more but not more than .10 shall not be eligible
45 48 for any temporary restricted license for at least
45 49 thirty days if a test was obtained and an accident
45 50 resulting in personal injury or property damage
46 1 occurred. The defendant shall be ordered to install
46 2 an ignition interlock device of a type approved by the
46 3 commissioner of public safety on all vehicles owned or
46 4 operated by the defendant if the defendant seeks a
46 5 temporary restricted license. There shall be no such
46 6 period of ineligibility if no such accident occurred,
46 7 and the defendant shall not be ordered to install an
46 8 ignition interlock device.
46 9 b. A defendant whose alcohol concentration is more
46 10 than .10 shall not be eligible for any temporary
46 11 restricted license for at least thirty days if a test
46 12 was obtained, and an accident resulting in personal

46 13 injury or property damage occurred or the defendant's
46 14 alcohol concentration exceeded .15. There shall be no
46 15 such period of ineligibility if no such accident
46 16 occurred and the defendant's alcohol concentration did
46 17 not exceed .15. In either case, where a defendant's
46 18 alcohol concentration is more than .10, the defendant
46 19 shall be ordered to install an ignition interlock
46 20 device of a type approved by the commissioner of
46 21 public safety on all vehicles owned or operated by the
46 22 defendant if the defendant seeks a temporary
46 23 restricted license.

46 24 Sec. 122. Section 321J.4, subsection 3, paragraphs
46 25 a and b, as enacted by 2003 Iowa Acts, House File 65,
46 26 section 3, are amended to read as follows:

46 27 a. A defendant whose alcohol concentration is .08
46 28 or more but not more than .10 shall not be eligible
46 29 for any temporary restricted license for at least
46 30 thirty days if a test was obtained and an accident
46 31 resulting in personal injury or property damage
46 32 occurred. The defendant shall be ordered to install
46 33 an ignition interlock device of a type approved by the
46 34 commissioner of public safety on all vehicles owned or
46 35 operated by the defendant if the defendant seeks a
46 36 temporary restricted license. There shall be no such
46 37 period of ineligibility if no such accident occurred,
46 38 and the defendant shall not be ordered to install an
46 39 ignition interlock device.

46 40 b. A defendant whose alcohol concentration is more
46 41 than .10 shall not be eligible for any temporary
46 42 restricted license for at least thirty days if a test
46 43 was obtained, and an accident resulting in personal
46 44 injury or property damage occurred or the defendant's
46 45 alcohol concentration exceeded .15. There shall be no
46 46 such period of ineligibility if no such accident
46 47 occurred and the defendant's alcohol concentration did
46 48 not exceed .15. In either case, where a defendant's
46 49 alcohol concentration is more than .10, the defendant
46 50 shall be ordered to install an ignition interlock
47 1 device of a type approved by the commissioner of
47 2 public safety on all vehicles owned or operated by the
47 3 defendant if the defendant seeks a temporary
47 4 restricted license.

47 5 Sec. 123. Section 321J.12, subsection 2,
47 6 paragraphs a and b, as enacted by 2003 Iowa Acts,
47 7 House File 65, section 5, are amended to read as
47 8 follows:

47 9 a. A person whose driver's license or nonresident
47 10 operating privileges have been revoked under
47 11 subsection 1, paragraph "a", whose alcohol
47 12 concentration is .08 or more but not more than .10
47 13 shall not be eligible for any temporary restricted
47 14 license for at least thirty days after the effective
47 15 date of the revocation if a test was obtained and an
47 16 accident resulting in personal injury or property
47 17 damage occurred. The defendant shall be ordered to
47 18 install an ignition interlock device of a type
47 19 approved by the commissioner of public safety on all
47 20 vehicles owned or operated by the defendant if the
47 21 defendant seeks a temporary license. There shall be
47 22 no such period of ineligibility if no such accident
47 23 occurred, and the defendant shall not be ordered to
47 24 install an ignition interlock device.

47 25 b. A defendant whose alcohol concentration is more
47 26 than .10 shall not be eligible for any temporary
47 27 restricted license for at least thirty days if a test
47 28 was obtained, and an accident resulting in personal
47 29 injury or property damage occurred or the defendant's
47 30 alcohol concentration exceeded .15. There shall be no
47 31 such period of ineligibility if no such accident
47 32 occurred and the defendant's alcohol concentration did
47 33 not exceed .15. In either case, where a defendant's
47 34 alcohol concentration is more than .10, the defendant
47 35 shall be ordered to install an ignition interlock
47 36 device of a type approved by the commissioner of
47 37 public safety on all vehicles owned or operated by the
47 38 defendant if the defendant seeks a temporary
47 39 restricted license.

47 40 Sec. 124. Section 331.605C, subsections 1 and 2,
47 41 if enacted by 2003 Iowa Acts, Senate File 453, are
47 42 amended to read as follows:

47 43 1. For the fiscal year beginning July 1, 2003, and

47 44 ending June 30, 2004, the recorder shall collect a fee
47 45 of five dollars for each recorded transaction,
47 46 regardless of the number of pages, for which a fee is
47 47 paid pursuant to section 331.604 to be used for the
47 48 purposes of planning and implementing electronic
47 49 recording and electronic transactions in each county
47 50 and developing county and statewide internet websites
48 1 to provide electronic access to records and
48 2 information.

48 3 2. Beginning July 1, 2004, the recorder shall
48 4 collect a fee of one dollar for each recorded
48 5 transaction, regardless of the number of pages, for
48 6 which a fee is paid pursuant to section 331.604 to be
48 7 used for the purpose of paying the county's ongoing
48 8 costs of maintaining the systems developed and
48 9 implemented under subsection 1.

48 10 Sec. 125. Section 331.605C, subsection 4, if
48 11 enacted by 2003 Iowa Acts, Senate File 453, is amended
48 12 to read as follows:

48 13 4. The ~~state~~ state local electronic government
48 14 ~~electronic~~ transaction fund is established in the
48 15 office of the treasurer of state under the control of
48 16 the treasurer of state. Moneys deposited into the
48 17 fund are not subject to section 8.33. Notwithstanding
48 18 section 12C.7, interest or earnings on moneys in the
48 19 state local electronic government ~~electronic~~
48 20 transaction fund shall be credited to the fund.
48 21 Moneys in the state local electronic government
48 22 ~~electronic~~ transaction fund are not subject to
48 23 transfer, appropriation, or reversion to any other
48 24 fund, or any other use except as provided in this
48 25 subsection. The treasurer of state shall enter into a
48 26 contract with the Iowa state association of counties
48 27 affiliate representing county recorders to ~~develop,~~
48 28 ~~implement, and maintain hold the fund for the~~
48 29 development, implementation, and maintenance of a
48 30 statewide internet website for purposes of providing
48 31 electronic access to records and information recorded
48 32 or filed by county recorders. On a monthly basis, the
48 33 county treasurer shall pay one dollar of each fee
48 34 collected pursuant to subsection 1 to the treasurer of
48 35 state for deposit into the state local electronic
48 36 government ~~electronic~~ transaction fund. Moneys
48 37 credited to the state local electronic government
48 38 ~~electronic~~ transaction fund are appropriated to the
48 39 treasurer of state to be used for contract costs.
48 40 This subsection is repealed June 30, 2004.

48 41 Sec. 126. Section 422.45, Code 2003, is amended by
48 42 adding the following new subsection:

48 43 NEW SUBSECTION. 64. The gross receipts from
48 44 noncustomer point of sale or noncustomer automated
48 45 teller machine access or service charges assessed by a
48 46 financial institution. For purposes of this
48 47 subsection, "financial institution" means the same as
48 48 defined in section 527.2.

48 49 Sec. 127. Section 423.4, Code 2003, is amended by
48 50 adding the following new subsection:

49 1 NEW SUBSECTION. 9A. Vehicles subject to
49 2 registration which are transferred from a corporation
49 3 that is primarily engaged in the business of leasing
49 4 vehicles subject to registration to a corporation that
49 5 is primarily engaged in the business of leasing
49 6 vehicles subject to registration when the transferor
49 7 and transferee corporations are part of the same
49 8 controlled group for federal income tax purposes.

49 9 Sec. 128. Section 435.26A, subsections 2 and 5, as
49 10 enacted by 2003 Iowa Acts, Senate File 134, section 7,
49 11 are amended to read as follows:

49 12 2. Upon receipt of a certificate of title from a
49 13 manufactured home owner, a county treasurer shall
49 14 notify the department of transportation that the
49 15 certificate of title has been surrendered, remove the
49 16 registration of title from the county treasurer's
49 17 records, and destroy the certificate of title.

49 18 The manufactured home owner or the owner's
49 19 representative shall provide to the county recorder
49 20 the identifying data of the manufactured home,
49 21 including the owner's name, the name of the
49 22 manufacturer, the model name, the year of manufacture,
49 23 and the serial number of the home, along with the
49 24 legal description of the real estate on which the

~~49 25 manufactured home is located. In addition, evidence~~
~~49 26 shall be provided of the surrender of the certificate~~
~~49 27 of title. After the surrender of the certificate of~~
~~49 28 title of a manufactured home under this section,~~
~~49 29 conveyance of an interest in the manufactured home~~
~~49 30 shall not require transfer of title so long as the~~
~~49 31 manufactured home remains on the same real estate~~
~~49 32 site.~~

49 33 5. An owner of a manufactured home who has
49 34 surrendered a certificate of title under this section
49 35 and requires another certificate of title for the
49 36 manufactured home is required to apply for a ~~bonded~~
49 37 certificate of title under ~~chapter 321~~ section 321.42.
49 38 If supporting documents for the reissuance of a title
49 39 are not available or sufficient, the procedure for the
49 40 reissuance of a title specified in the rules of the
49 41 department of transportation shall be used.

49 42 Sec. 129. Section 452A.2, Code 2003, is amended by
49 43 adding the following new subsection:

49 44 NEW SUBSECTION. 20A. "Nonterminal storage
49 45 facility" means a facility where motor fuel or special
49 46 fuel, other than liquefied petroleum gas, is stored
49 47 that is not supplied by a pipeline or a marine vessel.
49 48 "Nonterminal storage facility" includes a facility
49 49 that manufactures products such as alcohol, biofuel,
49 50 blend stocks, or additives which may be used as motor
50 1 fuel or special fuel, other than liquefied petroleum
50 2 gas, for operating motor vehicles or aircraft.

50 3 Sec. 130. Section 453A.2, Code 2003, is amended by
50 4 adding the following new subsection:

50 5 NEW SUBSECTION. 5B. A tobacco compliance employee
50 6 training fund is created in the office of the
50 7 treasurer of state. The fund shall consist of civil
50 8 penalties assessed by the Iowa department of public
50 9 health under section 453A.22, for violations of this
50 10 section. Moneys in the fund are appropriated to the
50 11 alcoholic beverages division of the department of
50 12 commerce and shall be used to develop and administer
50 13 the tobacco compliance employee training program under
50 14 section 453A.2A. Moneys deposited in the fund shall
50 15 not be transferred, used, obligated, appropriated, or
50 16 otherwise encumbered except as provided in this
50 17 subsection. Notwithstanding section 8.33, any
50 18 unexpended balance in the fund at the end of the
50 19 fiscal year shall be retained in the fund.

50 20 Sec. 131. Section 453C.1, subsection 10, Code
50 21 2003, is amended to read as follows:

50 22 10. "Units sold" means the number of individual
50 23 cigarettes sold in the state by the applicable tobacco
50 24 product manufacturer, whether directly or through a
50 25 distributor, retailer, or similar intermediary or
50 26 intermediaries, during the year in question, as
50 27 measured by excise taxes collected by the state on
50 28 packs or roll-your-own tobacco containers ~~bearing the~~
~~50 29 excise tax stamp of the state.~~ The department of
50 30 revenue and finance shall adopt rules as are necessary
50 31 to ascertain the amount of state excise tax paid on
50 32 the cigarettes of such tobacco product manufacturer
50 33 for each year.

50 34 Sec. 132. Section 453C.2, subsection 2, paragraph
50 35 b, subparagraph (2), Code 2003, is amended to read as
50 36 follows:

50 37 (2) To the extent that a tobacco product
50 38 manufacturer establishes that the amount the
50 39 manufacturer was required to place into escrow on
50 40 account of units sold in the state in a particular
50 41 year was greater than ~~the state's allocable share of~~
50 42 ~~the total payments that such manufacturer would have~~
50 43 ~~been required to make in that year under the master~~
50 44 ~~settlement agreement~~ the master settlement agreement
50 45 payments, as determined pursuant to section IX(i) of
50 46 that agreement including after final determination of
50 47 all adjustments, that such manufacturer would have
50 48 been required to make on account of such units sold
50 49 had such manufacturer been a participating
50 50 manufacturer, as such payments are determined pursuant
51 1 to section IX(i)(2) of the master settlement agreement
51 2 and before any of the adjustments or offsets described
51 3 in section IX(i)(3) of that agreement other than the
51 4 inflation adjustment, the excess shall be released
51 5 from escrow and revert back to such tobacco product

51 6 manufacturer.

51 7 Sec. 133. Section 455D.9, Code 2003, is amended by
51 8 adding the following new subsection:

51 9 NEW SUBSECTION. 1A. Yard waste may be accepted by
51 10 a sanitary landfill for land disposal if the sanitary
51 11 landfill operates an active methane collection system
51 12 that produces electricity.

51 13 Sec. 134. Section 476.33, Code 2003, is amended by
51 14 adding the following new subsection:

51 15 NEW SUBSECTION. 5. a. The board shall adopt
51 16 rules that require the board, in a rate regulatory
51 17 proceeding under sections 476.3 and 476.6, to consider
51 18 both of the following for inclusion in rates:

51 19 (1) Capital infrastructure investments that will
51 20 not produce significant additional revenues and will
51 21 be in service in Iowa within nine months after the
51 22 conclusion of the test year.

51 23 (2) Cost of capital changes that will occur within
51 24 nine months after the conclusion of the test year that
51 25 are associated with a new generating plant that has
51 26 been the subject of a ratemaking principles proceeding
51 27 pursuant to section 476.53.

51 28 b. This subsection is repealed effective July 1,
51 29 2007. However, any utilities board proceeding that is
51 30 pending on July 1, 2007, that is being conducted
51 31 pursuant to section 476.3 or 476.6 shall be completed
51 32 as if this section had not been repealed. Upon
51 33 repeal, the board may still consider the adjustments
51 34 addressed in this subsection, but shall not be
51 35 required to consider them.

51 36 Sec. 135. Section 505.7, Code 2003, is amended by
51 37 adding the following new subsection:

51 38 NEW SUBSECTION. 9. The commissioner may retain
51 39 funds collected during the fiscal year beginning July
51 40 1, 2003, pursuant to any settlement, enforcement
51 41 action, or other legal action authorized under federal
51 42 or state law for the purpose of reimbursing costs and
51 43 expenses of the division.

51 44 Sec. 136. Section 518.18, unnumbered paragraph 2,
51 45 Code 2003, is amended to read as follows:

51 46 1. ~~Two~~ The applicable percent of the gross amount
51 47 of premiums received during the preceding calendar
51 48 year, after deducting the amount returned upon the
51 49 canceled policies, certificates, and rejected
51 50 applications; and after deducting premiums paid for
52 1 windstorm or hail reinsurance on properties
52 2 specifically reinsured; ~~provided, however, that,~~
52 3 ~~However,~~ the reinsurer of such windstorm or hail risks
52 4 shall pay ~~two~~ the applicable percent of the gross
52 5 amount of reinsurance premiums received upon such
52 6 risks after deducting the amounts returned upon
52 7 canceled policies, certificates, and rejected
52 8 applications. For purposes of this section,
52 9 "applicable percent" means the same as specified in
52 10 section 432.1, subsection 4.

52 11 2. ~~Except as provided in subsection 3, the premium~~
52 12 ~~tax shall be paid on or before March 1 of the year~~
52 13 ~~following the calendar year for which the tax is due.~~
52 14 ~~The commissioner of insurance may suspend the~~
52 15 ~~certificate of authority of a county mutual insurance~~
52 16 ~~association that fails to pay its premium tax on or~~
52 17 ~~before the due date.~~

52 18 3. a. Each county mutual insurance association
52 19 transacting business in this state whose Iowa premium
52 20 tax liability for the preceding calendar year was one
52 21 thousand dollars or more shall remit on or before June
52 22 1, on a prepayment basis, an amount equal to one-half
52 23 of the premium tax liability for the preceding
52 24 calendar year.

52 25 b. In addition to the prepayment amount in
52 26 paragraph "a", each association shall remit on or
52 27 before June 30, on a prepayment basis, an additional
52 28 amount equal to the following percent of the premium
52 29 tax liability for the preceding calendar year as
52 30 follows:

52 31 (1) For prepayment in the 2003 and 2004 calendar
52 32 years, eleven percent.

52 33 (2) For prepayment in the 2005 calendar year,
52 34 twenty-six percent.

52 35 (3) For prepayment in the 2006 and subsequent
52 36 calendar years, fifty percent.

52 37 c. The sums prepaid by a county mutual insurance
52 38 association under this subsection shall be allowed as
52 39 credits against its premium tax liability for the
52 40 calendar year during which the payments are made. If
52 41 a prepayment made under this subsection exceeds the
52 42 annual premium tax liability, the excess shall be
52 43 allowed as a credit against subsequent prepayment or
52 44 tax liabilities. The commissioner of insurance may
52 45 suspend the certificate of authority of an association
52 46 that fails to make a prepayment on or before the due
52 47 date.

52 48 Sec. 137. Section 518A.35, Code 2003, is amended
52 49 to read as follows:

52 50 518A.35 ANNUAL TAX.

53 1 1. A state mutual insurance association doing
53 2 business under this chapter shall on or before the
53 3 first day of March, each year, pay to the director of
53 4 revenue and finance, or a depository designated by the
53 5 director, a sum equivalent to ~~two~~ the applicable
53 6 percent of the gross receipts from premiums and fees
53 7 for business done within the state, including all
53 8 insurance upon property situated in the state without
53 9 including or deducting any amounts received or paid
53 10 for reinsurance. However, a company reinsuring
53 11 windstorm or hail risks written by county mutual
53 12 insurance associations is required to pay ~~a two~~ the
53 13 applicable percent tax on the gross amount of
53 14 reinsurance premiums received upon such risks, but
53 15 after deducting the amount returned upon canceled
53 16 policies and rejected applications covering property
53 17 situated within the state, and dividends returned to
53 18 policyholders on property situated within the state.
53 19 For purposes of this section, "applicable percent"
53 20 means the same as specified in section 432.1,

53 21 subsection 4.

53 22 2. Except as provided in subsection 3, the premium
53 23 tax shall be paid on or before March 1 of the year
53 24 following the calendar year for which the tax is due.
53 25 The commissioner of insurance may suspend the
53 26 certificate of authority of a state mutual insurance
53 27 association that fails to pay its premium tax on or
53 28 before the due date.

53 29 3. a. Each state mutual insurance association
53 30 transacting business in this state whose Iowa premium
53 31 tax liability for the preceding calendar year was one
53 32 thousand dollars or more shall remit on or before June
53 33 1, on a prepayment basis, an amount equal to one-half
53 34 of the premium tax liability for the preceding
53 35 calendar year.

53 36 b. In addition to the prepayment amount in
53 37 paragraph "a", each association shall remit on or
53 38 before June 30, on a prepayment basis, an additional
53 39 amount equal to the following percent of the premium
53 40 tax liability for the preceding calendar year as
53 41 follows:

53 42 (1) For prepayment in the 2003 and 2004 calendar
53 43 years, eleven percent.

53 44 (2) For prepayment in the 2005 calendar year,
53 45 twenty-six percent.

53 46 (3) For prepayment in the 2006 and subsequent
53 47 calendar years, fifty percent.

53 48 c. The sums prepaid by a state mutual insurance
53 49 association under this subsection shall be allowed as
53 50 credits against its premium tax liability for the
54 1 calendar year during which the payments are made. If
54 2 a prepayment made under this subsection exceeds the
54 3 annual premium tax liability, the excess shall be
54 4 allowed as a credit against subsequent prepayment or
54 5 tax liabilities. The commissioner of insurance may
54 6 suspend the certificate of authority of an association
54 7 that fails to make a prepayment on or before the due
54 8 date.

54 9 Sec. 138. 2003 Iowa Acts, Senate File 453, section
54 10 30, if enacted, is amended by striking the section and
54 11 inserting in lieu thereof the following:

54 12 SEC. 30. CHARGE FOR RENT. For the fiscal year
54 13 beginning July 1, 2003, and ending June 30, 2004, the
54 14 department of administrative services, if established
54 15 in 2003 Iowa Acts, House File 534, shall transfer
54 16 \$900,000 to the general fund of the state from the
54 17 rent fund if established under section 8A.123 in 2003

54 18 Iowa Acts, House File 534.
54 19 Sec. 139. 2003 Iowa Acts, Senate File 453, section
54 20 35, if enacted, is amended to read as follows:
54 21 SEC. 35. CHARTER AGENCY APPROPRIATIONS.
54 22 1. Notwithstanding any provision of law to the
54 23 contrary, the total operating appropriations
54 24 reductions as allowed under section 7J.1 from the
54 25 general fund of the state to those departments and
54 26 agencies designated as charter agencies and additional
54 27 revenue to the general fund of the state attributed to
54 28 the reinvention process as determined by the
54 29 department of management above that already committed
54 30 to the general fund of the state generated for the
54 31 fiscal year beginning July 1, 2003, and ending June
54 32 30, 2004, as provided by the appropriation to those
54 33 agencies as enacted by the Eightieth General Assembly,
54 34 2003 Regular Session, shall ~~be reduced by total~~
54 35 \$15,000,000. The department of management shall apply
54 36 the appropriation reductions, ~~with a target of a 10~~
54 37 ~~percent reduction for each charter agency, as~~
54 38 ~~necessary to which along with additional generated~~
54 39 ~~revenue shall achieve the overall reduction amount and~~
54 40 ~~shall make this information available to the~~
54 41 ~~legislative fiscal committee and the legislative~~
54 42 ~~fiscal bureau. It is the intent of the general~~
54 43 ~~assembly that appropriations to a charter agency in~~
54 44 ~~subsequent fiscal years shall be similarly adjusted~~
54 45 ~~from the appropriation that would otherwise have been~~
54 46 ~~enacted.~~
54 47 2. There is appropriated from the general fund of
54 48 the state to the department of management for the
54 49 fiscal year beginning July 1, 2003, and ending June
54 50 30, 2004, the following amount, or so much thereof as
55 1 is necessary, to be used for the purposes designated:
55 2 For deposit in the charter agency ~~loan~~ grant fund
55 3 created in section 7J.2:
55 4 \$ 3,000,000
55 5 3. ~~For the fiscal year beginning July 1, 2003, and~~
55 6 ~~ending June 30, 2004, if the actual amount of revenue~~
55 7 ~~received by a charter agency exceeds the revenue~~
55 8 ~~amount budgeted for that charter agency by the~~
55 9 ~~governor and the general assembly, the charter agency~~
55 10 ~~may consider the excess amount to be repayment~~
55 11 ~~receipts as defined in section 8.2.~~
55 12 Sec. 140. Notwithstanding section 8.33,
55 13 unencumbered and unobligated funds remaining from the
55 14 appropriation made in 1996 Iowa Acts, chapter 1218,
55 15 section 13, subsection 2, paragraph "a", subparagraph
55 16 (2), as amended by 1997 Iowa Acts, chapter 215,
55 17 section 3, and from the appropriation made in 1997
55 18 Iowa Acts, chapter 215, section 4, subsection 1, shall
55 19 not revert but shall be available for the purposes
55 20 designated in those provisions until the close of the
55 21 fiscal year beginning July 1, 2003.
55 22 Sec. 141. 2003 Iowa Acts, Senate File 453, section
55 23 49, subsection 1, unnumbered paragraph 1, if enacted,
55 24 is amended to read as follows:
55 25 The department of human services shall establish a
55 26 work group in cooperation with representatives of the
55 27 insurance industry and members of the medical
55 28 assistance advisory council to develop a plan for the
55 29 redesign of the medical assistance program. In
55 30 developing the redesign plan, the work group shall
55 31 consider all of the following:
55 32 Sec. 142. 2003 Iowa Acts, Senate File 453, section
55 33 121, if enacted, is amended to read as follows:
55 34 SEC. 121. EFFECTIVE DATE. This division of this
55 35 Act, creating the Iowa lottery authority, takes effect
55 36 ~~September~~ July 1, 2003.
55 37 Sec. 143. Sections 266.8, 266.24, 266.25, and
55 38 266.26, Code 2003, are repealed.
55 39 Sec. 144. REPORT ON FEDERAL ELECTION LAW
55 40 IMPLEMENTATION. The state committee, if formed, shall
55 41 develop a plan for compliance with the federal Help
55 42 America Vote Act, Pub. L. No. 107=252, and the state
55 43 committee, in conjunction with the state commissioner
55 44 of elections, shall provide quarterly updates to the
55 45 Senate and House of Representatives standing
55 46 committees on government oversight on the status of
55 47 the implementation of Pub. L. No. 107=252.
55 48 Sec. 145. SALE OF DEPARTMENT OF CORRECTIONS' REAL

55 49 PROPERTY.

55 50 1. Immediately after the effective date of this
56 1 section, the department of corrections shall develop a
56 2 plan to sell, at market value, the twenty-acre tract
56 3 of undeveloped land adjacent to the Iowa correctional
56 4 institution for women to any municipality with a
56 5 population of less than twenty thousand persons. The
56 6 plan shall include the sale of the tract of land
56 7 within a commercially reasonable time. The sale shall
56 8 be negotiated by the department and shall be handled
56 9 in a manner that is financially beneficial to the
56 10 department. The department shall as a condition of
56 11 the sale to the municipality require that the land not
56 12 be sold by the municipality for a period of ninety=
56 13 nine years unless the land is resold back to the
56 14 state. Appraisals conducted by the department of the
56 15 value of the land shall be made available to the
56 16 public immediately following the sale of the tract of
56 17 land. If the department is unable to negotiate a
56 18 financially beneficial sale, the tract of land shall
56 19 not be sold, and the department shall provide the
56 20 legislative fiscal bureau with the reasons the sale
56 21 did not occur.

56 22 2. The proceeds from the sale of the property as
56 23 provided in subsection 1 shall be retained by the
56 24 department of corrections to be used for correctional
56 25 facilities. The costs incident to the sale of the
56 26 tract of land including, but not limited to,
56 27 appraisals, invitations for offers, abstracts, and
56 28 other necessary costs, may be paid from the proceeds
56 29 of the sale or from moneys appropriated for support
56 30 and maintenance to the institution at which the real
56 31 estate is located.

56 32 3. The provisions of section 904.317 shall not
56 33 apply to the sale of the tract of land sold in
56 34 accordance with this section.

56 35 Sec. 146. SALES AND USE TAX REFUND.

56 36 1. Notwithstanding the one-year application period
56 37 provided for in section 422.45, subsection 7,
56 38 paragraph "b", an application by a city with a
56 39 population between 550 and 625 located entirely in a
56 40 county with a population between 39,750 and 41,750 for
56 41 a refund of sales, services, or use tax paid upon any
56 42 goods, wares, or merchandise, or services rendered,
56 43 furnished, or performed and used in the performance of
56 44 contracts involving a street construction project and
56 45 a sewer project is considered timely filed under
56 46 section 422.45, subsection 7, if the application for
56 47 refund is filed with the department of revenue and
56 48 finance on or before August 1, 2003.

56 49 2. Notwithstanding the amount applied for under
56 50 subsection 1, the amount of a refund paid under this
57 1 section shall not exceed \$15,000.

57 2 Sec. 147. SCHOOL DISTRICT REIMBURSEMENT CLAIM.

57 3 1. Any school district located in a county with a
57 4 population between 11,550 and 12,000 is authorized to
57 5 refile a claim for state reimbursement of the costs of
57 6 providing vocational education programs at the
57 7 secondary level in its district notwithstanding the
57 8 denial of its previously filed claim with the state
57 9 appeal board if the claim is filed by October 1, 2003.
57 10 Such claim shall be considered timely filed
57 11 notwithstanding any provision of law.

57 12 2. If the claim filed pursuant to subsection 1 is
57 13 a valid claim for state reimbursement, the claim shall
57 14 be paid subject to the following:

57 15 a. The amount of costs reimbursed shall not exceed
57 16 6.5 percent.

57 17 b. Any amount reimbursed pursuant to any
57 18 previously filed claim relating to the same costs
57 19 shall not be included.

57 20 c. The total amount reimbursed under this section
57 21 shall not exceed \$6,000.

57 22 Sec. 148. COORDINATION OF PUBLIC TRANSPORTATION
57 23 STUDY. The state department of transportation shall
57 24 conduct a study and prepare a report pertaining to
57 25 administrative efficiencies that may be gained by the
57 26 coordination of transit management and maintenance
57 27 systems in the areas of school transportation, public
57 28 transit, and other forms of public transportation.
57 29 The report shall be provided to the general assembly

57 30 by December 31, 2003.

57 31 Sec. 149. SUPPLEMENTAL PAYMENT ADJUSTMENTS FOR
57 32 PHYSICIAN SERVICES. To the extent that, pursuant to
57 33 law enacted by the Eightieth General Assembly, 2003
57 34 Session, supplemental payment adjustments are
57 35 implemented for physician services provided to medical
57 36 assistance program participants at publicly owned
57 37 acute care hospitals, the department of human services
57 38 shall not, directly or indirectly, recoup the
57 39 supplemental payment adjustments for any reason,
57 40 unless an amount equivalent to the amount of
57 41 adjustment funds that were transferred to the
57 42 department by the state university of Iowa college of
57 43 medicine is transferred by the department to the
57 44 qualifying physicians.

57 45 Sec. 150. UTILITIES BOARD REVIEW. The utilities
57 46 board shall initiate and coordinate a review of
57 47 current ratemaking procedures to determine whether
57 48 different procedures would be cost-effective and would
57 49 result in rates that more accurately reflect a
57 50 utility's cost of providing service to its customers
58 1 in Iowa. The board shall allow the consumer advocate
58 2 division of the department of justice, the rate=
58 3 regulated utilities, and other interested persons to
58 4 participate in its review. The board shall report the
58 5 results of its review to the general assembly, with
58 6 recommendations as appropriate, on or before January
58 7 5, 2004.

58 8 Sec. 151. USE OF TEAM-BASED VARIABLE PAY MONEYS
58 9 FOR FY 2003=2004. Notwithstanding section 284.13,
58 10 subsection 1, paragraph a, of the moneys reserved for
58 11 purposes of team-based variable pay for the fiscal
58 12 year beginning July 1, 2003, and ending June 30, 2004,
58 13 the sum of two hundred thousand dollars shall be used
58 14 for purposes of the reading instruction pilot program
58 15 established pursuant to 2003 Iowa Acts, House File
58 16 549, if enacted.

58 17 Sec. 152. FULL=SIZE OFF=HIGHWAY VEHICLE
58 18 REGISTRATION PROGRAM == PLAN. The department of
58 19 natural resources and the state department of
58 20 transportation, in consultation with the Iowa
58 21 association of four wheel drive clubs, shall develop a
58 22 plan for the establishment of a registration program
58 23 for full=size off=highway vehicles for the purposes of
58 24 regulating the recreational use of full=size off=
58 25 highway vehicles and establishing a full=size off=
58 26 highway vehicle recreation area in the state. The
58 27 plan shall include an analysis of the number of full=
58 28 size off=highway vehicles expected to be registered
58 29 prior to the establishment of a full=size off=highway
58 30 vehicle recreation area and the number of
58 31 registrations expected after the establishment of such
58 32 a facility. The plan shall also include optimum
58 33 locations for a full=size off=highway vehicle
58 34 recreation area, estimated costs, if any, for
58 35 maintenance of the area, and any other issues the
58 36 departments and the association deem to be of
58 37 importance in the planning process. The plan, which
58 38 shall include any proposed legislation for
58 39 implementation of the plan, shall be submitted to the
58 40 legislative services agency and the general assembly
58 41 no later than January 1, 2004.

58 42 Sec. 153. ELIMINATION OF POSITION == IOWA LAW
58 43 ENFORCEMENT ACADEMY DIRECTOR. The merit position of
58 44 director of the Iowa law enforcement academy referred
58 45 to in section 80B.5, Code 2003, is eliminated
58 46 effective April 30, 2004.

58 47 Sec. 154. SEVERABILITY.

58 48 1. If this entire Act or any portion of section
58 49 453C.2, subsection 2, paragraph "b", subparagraph (2),
58 50 as amended in this Act, is held by a court of
59 1 competent jurisdiction to be unconstitutional, section
59 2 453C.2, subsection 2, paragraph "b", subparagraph (2),
59 3 is repealed in its entirety.

59 4 2. If section 453C.2, subsection 2, paragraph "b",
59 5 subparagraph (2), is repealed pursuant to subsection 1
59 6 and a court of competent jurisdiction subsequently
59 7 finds that section 453C.2, subsection 2, paragraph
59 8 "b", is unconstitutional due to such repeal, section
59 9 453C.2, subsection 2, paragraph "b", subparagraph (2),
59 10 Code 2003, shall be restored.

59 11 3. Any holding of unconstitutionality or any
59 12 repeal of section 453C.2, subsection 2, paragraph "b",
59 13 subparagraph (2), as amended in this Act, or of
59 14 section 453C.2, subsection 2, paragraph "b",
59 15 subparagraph (2), Code 2003, shall not affect, impair,
59 16 or invalidate any other portion of section 453C.2 or
59 17 the application of that section to any other person or
59 18 circumstance, and the remaining portions of section
59 19 453C.2, shall continue in full force and effect.
59 20 Sec. 155. FEDERAL HOUSING MONEYS. Any federal
59 21 moneys received by the department of economic
59 22 development for the community development block grant
59 23 program that are allocated for housing and any federal
59 24 moneys received for the HOME investment partnership
59 25 program shall be coordinated with projects within the
59 26 housing trust fund established in section 16.181, if
59 27 enacted.
59 28 Sec. 156. SMALLPOX VACCINATIONS. It is the intent
59 29 of the general assembly that public safety workers,
59 30 smallpox response teams, and others who will be
59 31 required to be vaccinated pursuant to the federal
59 32 Homeland Security Act be protected from both health=
59 33 related and other results of the federally required
59 34 vaccination. The emergency management division of the
59 35 Iowa department of public defense and local
59 36 governments should work with employees in the public
59 37 safety areas or response teams to achieve the
59 38 following:
59 39 1. Vaccinations should be given only on a
59 40 voluntary basis.
59 41 2. Extensive screening should be employed to
59 42 protect those workers who would be at risk from
59 43 current health conditions if vaccinated.
59 44 3. Reprisals or discrimination for workers not
59 45 voluntarily receiving vaccinations should be
59 46 prohibited.
59 47 4. Public employers should protect employees from
59 48 loss of income or seniority as a result of side
59 49 effects from vaccinations. Homeland security moneys
59 50 received by the emergency management division of the
60 1 Iowa department of public defense from the federal
60 2 government should include a set=aside to purchase
60 3 supplemental insurance for public safety or response
60 4 employees to cover those reactions not covered by
60 5 traditional employer=provided health insurance.
60 6 5. Disability or long=term reactions from
60 7 vaccinations should be considered a work=related
60 8 injury and should be covered by local or state
60 9 policies governing disability.
60 10 6. Vaccinations should be scheduled at staggered
60 11 times to allow for normal loss of staff time because
60 12 of vaccination=related illnesses without seriously
60 13 hampering public safety service.
60 14 7. Vaccinations administered in Iowa should meet
60 15 the requirements of the federal Needlestick Safety and
60 16 Prevention Act of 2000 that requires safety features
60 17 in the use of needles to administer medicine.
60 18 8. The emergency management division of the Iowa
60 19 department of public defense should coordinate efforts
60 20 to ensure adequate supplies of vaccinia immune
60 21 globulin and cidofovir and other appropriate medical
60 22 care and pharmaceuticals to protect those employees
60 23 who suffer reactions to vaccinations.
60 24 Sec. 157. CODE EDITOR DIRECTIVE. The Code editor
60 25 shall change the name of the department of public
60 26 defense, emergency management division, to the
60 27 department of public defense, homeland security and
60 28 emergency management division, in chapter 29C and
60 29 elsewhere throughout the Code, including references to
60 30 the division made in law enacted by the Eightieth
60 31 General Assembly, 2003 Regular Session and other
60 32 enactments.
60 33 Sec. 158. RECORDING AND TRANSACTION FEE REPORT.
60 34 The treasurer of state shall submit a report to the
60 35 governor and general assembly on or before December 1,
60 36 2003, detailing the amount of fees collected statewide
60 37 pursuant to section 331.604 in each fiscal year of the
60 38 period beginning July 1, 2000, and ending June 30,
60 39 2003, and the amount of electronic transaction fees
60 40 collected statewide for the period beginning July 1,
60 41 2003, and ending September 30, 2003, pursuant to

60 42 section 331.605C, if enacted by 2003 Iowa Acts, Senate
60 43 File 453, section 25.

60 44 Sec. 159. EFFECTIVE DATES. The following
60 45 provisions of this division of this Act, being deemed
60 46 of immediate importance, take effect upon enactment:

60 47 1. The amendments to sections 8.23, 8.31, and 8.57
60 48 which are first applicable to appropriations made for
60 49 the fiscal year beginning July 1, 2003.

60 50 2. The amendment to section 12E.12.

61 1 3. The amendments to sections 15E.42, 15E.43,
61 2 15E.45, and 15E.51, which apply retroactively to
61 3 January 1, 2002, for tax years beginning on or after
61 4 that date.

61 5 4. The amendment to section 15E.193B.

61 6 5. The amendment to section 435.26A.

61 7 6. The amendment to section 453A.2, which shall
61 8 only take effect if 2003 Iowa Acts, Senate File 401,
61 9 is enacted by the Eightieth General Assembly, 2003
61 10 Regular Session.

61 11 7. The amendments to sections 453C.1 and 453C.2
61 12 and the related severability provision.

61 13 8. The amendments to sections 518.18 and 518A.35.

61 14 9. The section directing the department of
61 15 corrections to develop a plan for selling certain
61 16 land.

61 17 10. The section relating to the sales and use tax
61 18 refund.

61 19 11. The section relating to the school district
61 20 reimbursement claim.

61 21 The sections of this division of this Act amending
61 22 section 80B.5 and enacting section 80B.5A are
61 23 applicable to the appointment of the director of the
61 24 Iowa law enforcement academy for the term beginning
61 25 May 1, 2004.

61 26 Section 29C.8, subsection 3, paragraph "f", as
61 27 enacted in this division of this Act, and the
61 28 amendment to section 29C.20, subsection 1, as enacted
61 29 in this division of this Act, take effect July 1,
61 30 2004.

61 31 DIVISION VIII

61 32 MEDICAL ASSISTANCE PROGRAM

61 33 Sec. 160. Section 135C.31A, if enacted by 2003
61 34 Iowa Acts, House File 619, section 2, is amended to
61 35 read as follows:

61 36 135C.31A ASSESSMENT OF RESIDENTS == PROGRAM
61 37 ELIGIBILITY.

61 38 Beginning July 1, 2003, a health care facility
61 39 receiving reimbursement through the medical assistance
61 40 program under chapter 249A shall assist the Iowa
61 41 commission of veterans affairs in ~~determining, prior~~
~~61 42 to the initial identifying, upon~~ admission of a

61 43 resident, the ~~prospective~~ resident's eligibility for
61 44 benefits through the federal department of veterans
61 45 affairs. The health care facility shall also assist
61 46 the Iowa commission of veterans affairs in determining
61 47 such eligibility for residents residing in the
61 48 facility on July 1, 2003. The department of
61 49 inspections and appeals, in cooperation with the
61 50 department of human services, shall adopt rules to
62 1 administer this section, including a provision that
62 2 ensures that if a resident is eligible for benefits
62 3 through the federal department of veterans affairs or
62 4 other third-party payor, the payor of last resort for
62 5 reimbursement to the health care facility is the
62 6 medical assistance program. This section shall not
62 7 apply to the admission of an individual to a state
62 8 mental health institute for acute psychiatric care.

62 9 Sec. 161. Section 249A.20A, if enacted by 2003
62 10 Iowa Acts, House File 619, section 3, is amended by
62 11 adding the following new subsection:

62 12 NEW SUBSECTION. 5A. The department shall adopt
62 13 rules to provide a procedure under which the
62 14 department and the pharmaceutical and therapeutics
62 15 committee may disclose information relating to the
62 16 prices manufacturers or wholesalers charge for
62 17 pharmaceuticals. The procedures established shall
62 18 comply with 42 U.S.C. } 1396r=8 and with chapter 550.

62 19 Sec. 162. Section 249A.20B, if enacted by 2003
62 20 Iowa Acts, House File 619, section 4, is amended by
62 21 adding the following new subsection:

62 22 NEW SUBSECTION. 5A. The department of human

62 23 services shall provide a reimbursement to nursing
62 24 facilities under this section. The reimbursement
62 25 amount shall be calculated as a per patient day amount
62 26 and shall be paid to nursing facilities in addition to
62 27 the reimbursement payment specified in 2001 Iowa Acts,
62 28 chapter 192, section 4, subsection 2, paragraph "c".

62 29 Sec. 163. 2003 Iowa Acts, House File 619, section
62 30 5, if enacted, is amended by striking the section and
62 31 inserting in lieu thereof the following:

62 32 SEC. 5. CASE MANAGEMENT PROGRAM FOR FRAIL ELDERLY.

62 33 1. The general assembly finds that the existing
62 34 case management program for frail elders administered
62 35 by the department of elder affairs is an important
62 36 component of the long-term care system in this state.
62 37 The program emphasizes the independence and dignity of
62 38 the individual while providing services in a cost=
62 39 effective manner.

62 40 2. The purposes of the case management program for
62 41 frail elders include all of the following:

62 42 a. To provide planning, policy development,
62 43 coordination, and administrative oversight.

62 44 b. To provide assistance in the form of assessment
62 45 and care coordination under circumstances in which an
62 46 elder or the elder's caregiver is experiencing
62 47 diminished functional capacity or other conditions
62 48 that require the provision of services by professional
62 49 service providers.

62 50 c. To maintain a system that focuses on the
63 1 delivery of home and community-based services that
63 2 emphasize individual independence, individual needs
63 3 and desires, and consumer-driven quality of services.

63 4 3. It is the intent of the general assembly that
63 5 the department of elder affairs in collaboration with
63 6 the department of human services, area agencies on
63 7 aging, advocacy groups, industry representatives, and
63 8 consumers submit recommendations to the general
63 9 assembly by October 1, 2003, regarding the redesigning
63 10 of the case management program for the frail elderly
63 11 including preadmission screening methodologies, level
63 12 of care determinations and ongoing methodologies for
63 13 the coordination, provision, and delivery of home and
63 14 community-based services.

63 15 4. It is also the intent of the general assembly
63 16 that the department of elder affairs and the
63 17 department of human services coordinate efforts to
63 18 resolve issues relating to level of care
63 19 determinations no later than October 1, 2003.

63 20 Sec. 164. 2003 Iowa Acts, House File 619, section
63 21 7, subsection 4, paragraph b, if enacted, is amended
63 22 to read as follows:

63 23 b. Pharmacies and providers that are enrolled in
63 24 the medical assistance program shall make available
63 25 drug acquisition cost information, product
63 26 availability information, and other information deemed
63 27 necessary by the department for the determination of
63 28 reimbursement rates and the efficient operation of the
63 29 pharmacy benefit. Pharmacies and providers shall
63 30 produce and submit the requested information in the
63 31 manner and format requested by the department or its
63 32 designee at no cost to the department or designee.
63 33 Pharmacies and providers shall submit information to
63 34 the department or its designee within thirty days
63 35 following receipt of a request for information unless
63 36 the department or its designee grants an extension
63 37 upon written request of the pharmacy or provider.

63 38 Notwithstanding the required provision of information
63 39 by pharmacies and providers under this paragraph, if
63 40 the department is able to obtain any of the
63 41 information required to be provided under this
63 42 paragraph in an alternative manner, through which the
63 43 department is ensured of the validity and accuracy of
63 44 the information and of the timely submission of the
63 45 information, the department may instead obtain the
63 46 information in the alternative manner. Chapter 550
63 47 shall apply to the information provided by pharmacies
63 48 and providers under this paragraph.

63 49 Sec. 165. 2003 Iowa Acts, House File 619, section
63 50 9, if enacted, is amended to read as follows:

64 1 SEC. 9. NURSING FACILITY REIMBURSEMENT.

64 2 Notwithstanding 2001 Iowa Acts, chapter 192, section
64 3 4, subsection 2, paragraph "c", and subsection 3,

64 4 paragraph "a", subparagraph (2), if projected state
64 5 fund expenditures for reimbursement of nursing
64 6 facilities for the fiscal year beginning July 1, 2003,
64 7 in accordance with the reimbursement rate specified in
64 8 2001 Iowa Acts, chapter 192, section 4, subsection 2,
64 9 paragraph "c", ~~exceeds exceed~~ \$147,252,856, the
64 10 department shall adjust the inflation factor of the
64 11 reimbursement rate calculation to provide
64 12 reimbursement within the amount projected specified in
64 13 this section. The department, in consultation with
64 14 nursing facility representatives, shall review the
64 15 projections on a quarterly basis to determine if an
64 16 interim adjustment is necessary in order to provide
64 17 reimbursement within the amount specified in this
64 18 section. In reviewing the projections, the department
64 19 shall consider the savings from the reduction in bed
64 20 hold payments, elimination of crossover claims, and
64 21 increases in Medicare part A utilization.

64 22 Sec. 166. 2003 Iowa Acts, House File 619, section
64 23 12, subsections 2 and 3, if enacted, are amended to
64 24 read as follows:

64 25 2. The department of human services, in
64 26 cooperation with the department's fiscal agent and in
64 27 consultation with a chronic care ~~management resource~~
64 28 ~~group consortium~~, shall profile medical assistance
64 29 recipients within a select number of disease diagnosis
64 30 categories. The assessment shall focus on those
64 31 diagnosis areas that present the greatest opportunity
64 32 for impact to improved care and cost reduction.

64 33 3. The department of human services, in
64 34 consultation with a chronic care ~~management resource~~
64 35 ~~group consortium~~, shall conduct a chronic disease
64 36 management pilot project for a select number of
64 37 individuals who are participants in the medical
64 38 assistance program. The project shall focus on a
64 39 select number of chronic diseases which may include
64 40 congestive heart failure, diabetes, and asthma. The
64 41 initial pilot project shall be implemented by October
64 42 1, 2003.

64 43 Sec. 167. 2003 Iowa Acts, House File 619, section
64 44 12, subsection 4, if enacted, is amended by striking
64 45 the subsection and inserting in lieu thereof the
64 46 following:

64 47 4. The department of human services may procure a
64 48 sole source contract with a vendor to manage
64 49 individuals with select chronic diseases following the
64 50 conclusion of the profiling of medical assistance
65 1 recipients. The management of chronic diseases for
65 2 individuals under this subsection may be coordinated
65 3 with the pilot project established in subsection 3.

65 4 Sec. 168. 2002 Iowa Acts, Second Extraordinary
65 5 Session, chapter 1003, section 110, is amended by
65 6 adding the following new paragraph:

65 7 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
65 8 8.33, up to \$2,400,000 of the funds appropriated in
65 9 this section that remain unencumbered or unobligated
65 10 at the close of the fiscal year shall not revert but
65 11 shall remain available in the succeeding fiscal year
65 12 to be used for additional field operations, full-time
65 13 equivalent positions and general administration. Four
65 14 hundred thousand dollars of this amount shall be used
65 15 for eight full-time equivalent positions to provide a
65 16 case manager in each of the judicial districts to
65 17 provide coordination of services for families that
65 18 have a history of methamphetamine abuse and \$400,000
65 19 of this amount shall be used for general
65 20 administration.

65 21 Sec. 169. VETERANS == DIRECTIVE. The commission
65 22 of veterans affairs shall work with the commandant of
65 23 the Iowa veterans home, the department of human
65 24 services, and the department of inspections and
65 25 appeals to identify the residents of health care
65 26 facilities who may be eligible for benefits through
65 27 the federal department of veterans affairs pursuant to
65 28 section 135C.31A, if enacted by 2003 Iowa Acts, House
65 29 File 619.

65 30 Sec. 170. The section of this division of this Act
65 31 amending 2002 Iowa Acts, Second Extraordinary Session,
65 32 chapter 1003, section 110, relating to certain federal
65 33 temporary assistance for needy families block grant
65 34 funding, takes effect upon enactment.

DIVISION IX

Sec. 171. PURPOSE AND DEFINITIONS.

1. PURPOSE. The general assembly finds that the Iowa communications network is a valuable state asset that has served the people of the state well, but which requires significant ongoing financial support from the state in the form of annual appropriations. The operation of a telecommunications network is a function that can be and generally is conducted by private enterprise. It is in the public interest to sell the Iowa communications network to a qualified private business enterprise that will commit to provide the same secure low-cost high-quality service to state and federal agencies and military installations now provided by the network. Through such a sale, the state would eliminate the need for ongoing annual appropriations while preserving the key benefits enjoyed by the state under the present state ownership of the network. The state also expects to obtain sufficient proceeds from such a sale to cover existing obligations and to realize additional proceeds above the level of such obligations. Given the current depressed state of the telecommunications industry, the state can reasonably be expected to maximize sales proceeds by allowing a purchaser a period of time in which to assemble financing for its purchase. During the interim between enactment of this division of this Act and completion of a sale, the services of a private-enterprise manager with experience operating telecommunications networks can reasonably be expected to reduce the costs of operating the Iowa communications network, thereby lowering annual appropriations.

2. DEFINITIONS. As used in this division of this Act, unless the context otherwise requires:

a. "Board" means the state network privatization board.

b. "Commission" means the Iowa telecommunications and technology commission established in section 8D.3 to oversee the operations of the network.

c. "Management contract" means an agreement between the board and the manager for services to oversee and operate the network on behalf of the state.

d. "Manager" means the private entity selected by the board to oversee and operate the network on behalf of the state.

e. "Network" means the Iowa or state communications network as defined in section 8D.2.

f. "Out-of-pocket expenses" means moneys paid to an unaffiliated third party for engineering, legal, consulting, or other services or goods by a manager or purchaser.

g. "Purchaser" means the entity that is selected by the board to purchase the network from the state.

h. "Required third-party approval" means any consent, conveyance, approval, or waiver that must be granted by a private, governmental, or quasi-governmental third party in order for the purchaser to receive clear title to all network assets and the right to use the network assets free of adverse claims. Required third-party approvals include but are not limited to all of the following:

(1) Approvals of assignments to the purchaser of the state's rights under leases or contracts between the state and the third party.

(2) Conveyance to the purchaser of property that the third party currently leases to the state on a term with less than fifteen years remaining.

(3) Release of restrictions in contracts that require that the state operate the network.

i. "Sales contract" means the contract between the state as seller, represented by the board, and the purchaser, for sale of the network to the purchaser.

Sec. 172. STATE NETWORK PRIVATIZATION BOARD CREATED == DUTIES.

1. A state network privatization board is created. The board shall consist of the following members:

a. A chairperson member appointed by the legislative council, subject to confirmation by the senate.

67 16 b. A member, who shall not be of the same
67 17 political party as the chairperson, appointed by the
67 18 governor subject to confirmation by the senate.

67 19 c. The adjutant general or the adjutant general's
67 20 designee.

67 21 2. The board shall do all of the following:

67 22 a. Issue a request for proposals from qualified
67 23 entities interested in serving as the manager of the
67 24 network. This request for proposals shall be issued
67 25 by July 1, 2004, and responses to the request for
67 26 proposals shall be due by August 1, 2004.

67 27 b. Select a manager and enter into a management
67 28 contract with the manager by October 1, 2004. The
67 29 management contract shall provide for the continuation
67 30 of all services currently being provided to state and
67 31 federal agencies and military installations pursuant
67 32 to chapter 8D, at the rates specified therein, for the
67 33 duration of the contract. The contract shall also
67 34 specify the manager's authority in relation to the
67 35 duties of the commission during the period between
67 36 execution of the management contract and closing of
67 37 the sale of the network. The commission shall
67 38 establish a dispute resolution process regarding rate
67 39 increases, quality of service issues, and other areas
67 40 of dispute involving network subscribers. The
67 41 commission shall also make recommendations regarding
67 42 imposition of an ongoing dispute resolution and
67 43 appeals process commencing with the closing of the
67 44 sale of the network.

67 45 c. Issue a request for proposals from qualified
67 46 entities for the purchase of the network. This
67 47 request for proposals shall be issued by January 1,
67 48 2005, and responses to the request for proposals shall
67 49 be due by May 1, 2005.

67 50 d. Utilizing the criteria set forth in sections
68 1 173 and 174 of this Act, select a purchaser and enter
68 2 into a sales contract with the purchaser by October 1,
68 3 2005.

68 4 e. Immediately upon execution of the management
68 5 contract and the sales contract by the majority of the
68 6 board, transmit the executed contract to the general
68 7 assembly and to the governor. The board shall have
68 8 full authority to enter into the management contract
68 9 and the sales contract on behalf of the state,
68 10 provided that the general assembly by legislation
68 11 enacted regarding the specific purchase and approved
68 12 by the governor, within thirty days after transmittal
68 13 to the general assembly and the governor in the case
68 14 of the management contract, and within sixty days
68 15 after transmittal to the general assembly and the
68 16 governor in the case of the sales contract, may
68 17 disapprove the board's action, in which case the
68 18 disapproved contract shall have no force and effect.
68 19 In the event of such disapproval, the state shall pay
68 20 the manager or the purchaser, as the case may be,
68 21 reasonable out-of-pocket expenses incurred in
68 22 preparing a proposal and performing prior to
68 23 disapproval, but such expenses shall not exceed two
68 24 hundred thousand dollars in the case of disapproval of
68 25 the management contract and five hundred thousand
68 26 dollars in the case of disapproval of the sales
68 27 contract.

68 28 f. Cause the sales contract to require closing by
68 29 October 1, 2007, allowing time for the state to obtain
68 30 third-party approvals as required by section 176 of
68 31 this Act, including the filing of any necessary
68 32 eminent domain actions, and for the purchaser to
68 33 secure financing.

68 34 g. Execute all necessary documents relating to the
68 35 closing of the sale of the network. The board may
68 36 direct any other applicable official to assist in the
68 37 execution of necessary documents relating to the
68 38 closing.

68 39 h. Require by written directive that all state
68 40 officials provide information and records concerning
68 41 the network to the board, to the manager, or to a
68 42 person submitting a proposal to purchase the network,
68 43 whenever the board requires such provision of such
68 44 records and other information.

68 45 i. Take all other steps necessary and proper as
68 46 needed to carry out its responsibilities enumerated in

68 47 this subsection. The board may adopt necessary rules
68 48 pursuant to chapter 17A to administer this division of
68 49 this Act.

68 50 Sec. 173. MINIMUM QUALIFICATIONS OF PURCHASER.
69 1 The purchaser shall meet the following requirements:
69 2 1. The principal place of business of the
69 3 purchaser and any parent of the purchaser shall be
69 4 located in the state of Iowa.
69 5 2. For national security reasons, and because of
69 6 the extensive military use of the network, the
69 7 purchaser shall possess national security approval.

69 8 Sec. 174. CRITERIA FOR SELECTION OF PURCHASER.
69 9 After issuing a request for proposals for the purchase
69 10 of the network and considering the proposals received,
69 11 the board shall select the highest and best offer for
69 12 purchase of the network from those persons submitting
69 13 proposals which meet all of the following criteria:
69 14 1. Satisfy the minimum qualifications of this
69 15 division of this Act.
69 16 2. Submit a proposal in compliance with the
69 17 request for proposals.
69 18 3. Demonstrate a likelihood of being able to
69 19 obtain any financing necessary to close the
69 20 transaction. However, the board shall not require
69 21 that the purchaser have a commitment for financing to
69 22 award the contract, but shall allow the purchaser at
69 23 least one year to obtain any necessary financing. The
69 24 board may also in its discretion consider proposals
69 25 involving financing of the sale by the state.
69 26 4. Agree to continue all services currently being
69 27 provided to state and federal agencies and military
69 28 installations for the next ten years, with any annual
69 29 rate increase not to exceed five percent per year,
69 30 provided that the purchaser shall not be required to
69 31 supply at such restricted prices a quantity or quality
69 32 of service greater than that provided by the network
69 33 as of execution of the contract for sale of the
69 34 network.

69 35 Sec. 175. CLOSING OF SALE. Any debt of the state
69 36 related to the network or other liens against network
69 37 assets shall be discharged out of the state's proceeds
69 38 of closing, so that the purchaser receives marketable
69 39 title to the network. The purchaser shall receive
69 40 bills of sale, in the case of personal property, and
69 41 deeds, in the case of real property, transferring all
69 42 network assets to the purchaser. The state shall also
69 43 transfer its interest in right-of-way and leases and
69 44 easements for uses of rights-of-way.

69 45 Sec. 176. THIRD-PARTY APPROVALS.
69 46 1. The state shall exercise all reasonable efforts
69 47 to obtain each required third-party approval,
69 48 including where necessary by use of eminent domain
69 49 proceedings. To the extent feasible, the state may
69 50 pay the costs of obtaining required third-party
70 1 approvals out of the proceeds of sale rather than from
70 2 the general fund of the state. In the event the state
70 3 fails to obtain a required third-party approval, the
70 4 purchaser may terminate the sales contract without
70 5 penalty and shall be reimbursed by the state for
70 6 reasonable out-of-pocket expenses incurred in
70 7 preparing its proposal and fulfilling its obligations
70 8 under the sales contract, not to exceed two million
70 9 dollars.
70 10 2. The board and the purchaser shall develop a
70 11 list of required third-party approvals and persons who
70 12 may have claims that would constitute required third-
70 13 party approvals if valid. The board shall mail to
70 14 each person on the list at their last known address a
70 15 notice that provides a description of the sale and
70 16 invites the recipient to submit a claim on a form
70 17 developed by the board by a deadline set by the board.
70 18 The claim or interest of any person who fails to
70 19 timely file a claim shall be deemed discharged and
70 20 forfeited, and such person shall be forever barred and
70 21 estopped from taking any action against the state or
70 22 purchaser that would in any way interfere with the
70 23 purchaser's use of the network. In addition, the
70 24 board shall publish the notice in newspapers of
70 25 general circulation in the state of Iowa, and failure
70 26 to file a timely claim shall bar all persons whose
70 27 rights could constitutionally be affected by such

70 28 notice, just as if such person had been mailed notice.
70 29 3. Any eminent domain or other proceeding to
70 30 obtain a required third-party approval shall be
70 31 promptly filed by the attorney general at the request
70 32 of the board and shall be added to the calendar of any
70 33 trial or appellate court of this state so that the
70 34 deadline in section 172 of this Act for closing the
70 35 sale can be met.

70 36 Sec. 177. REMOVAL OF RESTRICTIONS == REPEAL OF
70 37 CHAPTER 8D. Chapter 8D is repealed, effective as of
70 38 the date of the closing of the sale of the network
70 39 under this division of this Act, as certified by the
70 40 chairperson of the board to the governor.

70 41 Sec. 178. ASSISTANCE OF OTHER STATE AGENCIES.
70 42 1. The attorney general shall provide legal advice
70 43 to the board.

70 44 2. All other state agencies shall provide whatever
70 45 assistance may reasonably be required by the board in
70 46 carrying out its duties under this division of this
70 47 Act.

70 48 DIVISION X

70 49 GOVERNMENT ORGANIZATION REVIEW COMMITTEE

70 50 Sec. 179. Section 331.264, subsection 1,
71 1 unnumbered paragraph 1, and paragraphs a through d, if
71 2 enacted by 2003 Iowa Acts, Senate File 390, section
71 3 25, is amended to read as follows:

71 4 A local government organization review committee
71 5 may be created in a county having a population in
71 6 excess of one hundred thousand. The committee shall
71 7 be composed of the following members:

71 8 a. Three city council members appointed by the
71 9 city council of each participating city with a
71 10 population of twenty-five thousand or more.

71 11 b. Three county supervisors appointed by the
71 12 county board of supervisors.

71 13 c. One city council member appointed by each
71 14 participating city with a population of less than
71 15 twenty-five thousand.

71 16 d. One member shall be appointed by each state
71 17 legislator whose legislative district is located in
71 18 the county if a majority of the constituents of that
71 19 legislative district reside in the county. However,
71 20 if a county does not have a state representative's
71 21 legislative district which has a majority of a state
71 22 representative's constituency residing in the county,
71 23 the state representative having the largest plurality
71 24 of constituents residing in the county shall appoint a
71 25 member. The member appointed by each state legislator
71 26 shall be a person who is not holding elected office
71 27 and who is a resident of the legislative district of
71 28 the state legislator. If any portion more than one-
71 29 half of the population of a legislative district is in

71 30 the unincorporated area of the county, the member
71 31 appointed by that legislator shall be a resident of
71 32 the unincorporated area of the county.

71 33 Sec. 180. EFFECTIVE DATE. This division of this
71 34 Act, being deemed of immediate importance, takes
71 35 effect upon enactment.>

71 36 #2. Title page, by striking lines 1 through 4 and

3

71 37 inserting the following: 71 38 expenditure and regulatory matters, compensating
71 39 public employees, making and reducing appropriations,
71 40 modifying sales and use taxes, modifying the
71 41 investment tax credits and premium taxes on mutual
71 42 insurance associations, providing for related matters,
71 43 making penalties applicable, and providing effective
71 44 dates.>

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